

LINCOLN
AND
PROHIBITION
— ○ —
CHARLES T. WHITE

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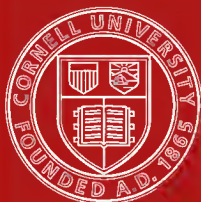
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FROM THE NEGATIVE OWNED BY F. H. MESERVE, NEW YORK CITY

ABRAHAM LINCOLN IN 1862

LINCOLN AND PROHIBITION

BY
CHARLES T. WHITE

Tax Commissioner of New York under Mayors Gaynor and Mitchel

INTRODUCTION BY
WILL H. HAYS

Postmaster General of the United States

WITH PORTRAITS AND DOCUMENTS



THE ABINGDON PRESS
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CHARLES T. WHITE

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To
BISHOP LUTHER B. WILSON, D.D., LL.D.
A DISTINGUISHED REPRESENTATIVE OF THE FORCES
TRIUMPHANTLY BATTLING FOR A HIGHER
STANDARD OF THOUGHT AND LIFE

CONTENTS

| | PAGE |
|----------------------------------------------------------------------------------------------------------------------|------|
| PREFACE..... | 9 |
| INTRODUCTION..... | 15 |
| D. H. BATES' JUDGMENT ON GENUINENESS OF MERWIN DOCUMENTS..... | 18 |
| CHAPTER | |
| I. LIQUOR DRINKING IN THE LINCOLN PERIOD.. | 21 |
| General Neal Dow's Testimony. | |
| II. THOMAS LINCOLN AND NANCY HANKS..... | 24 |
| Sober, temperate, kindly people—Thomas Lincoln's prodigious strength—His fight with Abraham Enloe. | |
| III. LINCOLN'S HOME TRAINING..... | 27 |
| Prayer and Bible reading in the home—Total abstinence from liquor—Charles G. Le- land's comment. | |
| IV. LINCOLN'S "FIRST TEMPERANCE LECTURE"... | 30 |
| He beats the champion weight-lifter—"If you wish to remain healthy and strong," etc. | |
| V. LINCOLN'S ESSAY ON TEMPERANCE AT SEVEN- TEEN..... | 32 |
| Herndon, Lincoln's law partner, testifies. | |
| VI. BERRY AND LINCOLN AS "GROCERY KEEPERS" | 34 |
| Stephen A. Douglas refuted at Ottawa— Leonard Swett testifies—Berry leaves crush- ing debt for Lincoln to pay. | |
| VII. THE WASHINGTONIAN MOVEMENT..... | 37 |
| Lincoln the Springfield leader—Lincoln's let- ter to Pickett, "Recruit for this victory." | |
| VIII. LINCOLN'S ADDRESS TO THE WASHINGTONIANS. | 40 |
| "When there shall be neither a slave nor a drunkard." | |
| IX. FATHER MATHEW..... | 56 |
| His visit to America in 1849—Effect of his crusade. | |

| CHAPTER | PAGE |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| X. SONS OF TEMPERANCE..... | 60 |
| Origin, scope, and spread—Lincoln's address to delegation in 1863. | |
| XI. LINCOLN AND PLEDGE SIGNING..... | 63 |
| His temperance addresses in 1846-47—Affidavits by signers—The Lincoln pledge. | |
| XII. LINCOLN'S INDORSEMENT OF HIS PASTOR'S RADICAL TEMPERANCE VIEWS..... | 65 |
| He helps to print and circulate them. | |
| XIII. LINCOLN AND THE ILLINOIS PROHIBITION CAMPAIGN..... | 66 |
| His sympathy for the cause. | |
| XIV. THE ILLINOIS PROHIBITION LAW AND ITS AUTHORSHIP..... | 69 |
| Lincoln the framer of the prohibition law—Henry B. Rankin's comment—Paid counsel of the Maine Law Alliance—Shrewd provisions of the act. | |
| XV. PRESS COMMENTS ON THE DRY LAW..... | 73 |
| Stephen T. Logan a temperance worker—Passage of the law in House and Senate—Prohibition parade in Chicago—Dry law beaten on referendum June 5, 1855, by fraud—An 1855 prophecy. | |
| XVI. ILLINOIS DRY LAW, FEBRUARY 12, 1855..... | 79 |
| Lincoln's senatorship contest coincident with prohibition campaign—Lincoln in 1855 walks six miles to make temperance speech. | |
| XVII. COLD WATER ONLY AT SPRINGFIELD NOTIFICATION..... | 83 |
| Lincoln refused to have liquors served. | |
| XVIII. THE PROHIBITION WATCH..... | 85 |
| Lincoln writes inscription and presents it to Merwin in Chicago—Watch lost and recovered. | |

CONTENTS

7

CHAPTER

PAGE

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| XIX. ABOUT CHAPLAIN JAMES B. MERWIN AND LINCOLN..... | 87 |
| Merwin summoned by Lincoln to do temperance work in the army—Lincoln writes Merwin a pass—His work indorsed by Lincoln—Generals Scott, Butler, and Dix. | |
| XX. LINCOLN AND GENERAL GRANT'S LIQUOR DRINKING..... | 93 |
| Liquor men make most of Lincoln's jest to Grant's detractors—General Rawlins' reproof to General Grant—Grant's self-mastery—Grant's estimate of Rawlins. | |
| XXI. "ALCOHOL THE ARMY CURSE"..... | 95 |
| General Baker on liquor drinking in the service—Lincoln and Stanton fight it. | |
| XXII. TEMPERANCE AND DISCIPLINE IN THE RANKS. | 99 |
| New York Evening Post notes Merwin's work in the army—Butler says, "Mission of Merwin will be of great benefit." | |
| XXIII. LINCOLN ACCEPTED INTERNAL REVENUE ACT AS WAR MEASURE..... | 101 |
| Hoped for its repeal after war was over. | |
| XXIV. LINCOLN'S LAST UTTERANCE ON TEMPERANCE. | 103 |
| "The next great question"—Hoped to see his own prophecy fulfilled. | |
| XXV. LINCOLN'S ASSASSINS A DRINKING SET..... | 104 |
| His killing part of a larger plot—Booth intoxicated when he killed Lincoln. | |
| XXVI. LINCOLN'S SECRETIVENESS AND CAUTION..... | 106 |
| Testimony of Herndon, Davis, and Swett. | |
| XXVII. CROOKED ELECTIONS FOR FIFTY YEARS..... | 109 |
| XXVIII. IN CONCLUSION..... | 111 |
| Roosevelt and the Lincoln portrait—Governor Black's eloquent tribute. | |

APPENDIX

| | PAGE |
|--------------------------------------------------------------------|------|
| A—CHRONOLOGY OF ANTI-LIQUOR MOVEMENT IN AMERICA..... | 113 |
| B—GENERAL McDUGALL'S INDORSEMENT OF JAMES B. MERWIN..... | 140 |
| C—THE 1855 PROHIBITION BATTLE IN ILLINOIS HISTORY..... | 141 |
| D—MERWIN'S STATEMENT TO THE WRITER..... | 145 |
| E—BANKER A. J. BABER CONFIRMS MERWIN..... | 150 |
| F—MERWIN'S LETTER TO F. D. BLAKESLEE..... | 153 |
| G—DR. NATHAN SMITH DAVIS, PIONEER TEMPERANCE ADVOCATE..... | 158 |
| H—EX-SECRETARY ROBERT T. LINCOLN'S LETTER ABOUT MERWIN..... | 159 |
| I—LINCOLN AND A PANAMA CANAL..... | 162 |
| J—TEXT OF MAINE PROHIBITION LAW..... | 165 |
| K—THE ILLINOIS 1855 PROHIBITION LAW FRAMED BY ABRAHAM LINCOLN..... | 176 |
| AUTHORITIES CONSULTED..... | 228 |
| INDEX..... | 229 |

ILLUSTRATIONS

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| ABRAHAM LINCOLN IN 1862..... | <i>Frontispiece</i> |
| LINCOLN IN 1847—HIS FIRST PHOTOGRAPH..... | 40 |
| FATHER THEOBALD MATHEW, TEMPERANCE REFORMER..... | 56 |
| JAMES B. MERWIN'S PROHIBITION WATCH..... | 86 |
| JAMES B. MERWIN'S ARMY PASS, WRITTEN BY LINCOLN..... | 88 |
| FACSIMILE INDORSEMENTS BY LINCOLN, GENERALS SCOTT AND BUTLER, WITH NAMES OF PETITIONERS ASKING TO HAVE JAMES B. MERWIN DESIGNATED AS A TEMPERANCE WORKER IN THE UNION ARMY. PLATES A AND B..... | 90 |
| GENERAL JOHN A. DIX'S INDORSEMENT OF MERWIN AND HIS WORK..... | 92 |
| CHAPLAIN JAMES B. MERWIN..... | 103 |
| JAMES B. MERWIN'S PASS FOR HIMSELF AND DRIVER... | 148 |

PREFACE

And when the victory shall be complete—when there shall be neither a slave nor a drunkard on earth—how proud the title of that land which may truly claim to be the birthplace and the cradle of both those revolutions that shall have ended in that victory.—Lincoln to the Washingtonian Society, Springfield, Illinois, February 22, 1842.

The purpose of this book is to set forth in connected and logical form a brief but comprehensive record of Abraham Lincoln's efforts for the suppression of intemperance.

Here for the first time is presented in permanent form documentary proof that Lincoln, in 1855, as counsel for the Illinois State Maine Law Alliance, wrote a drastic prohibition State law, which was passed by the Legislature, and on its submission to a referendum in a general election five months later failed of acceptance by a vote of 93,102 against the proposition to 79,010 in favor of it.

The defeat of the prohibitory law was accomplished by fraud, the safeguarding of elections at that time being ineffective. The liquor interests brought to pass bloodshed and riots, which in the city of Chicago were checked only by the declaration of martial law.

Mr. Lincoln was not a total-abstinence third-party political prohibitionist as the term is at present understood, but his directing genius as counsel in the 1855 State campaign was responsible for one of the most brilliant political achievements in the long battle for prohibition.

There is no mistaking his moral or political direction. He was an ultimate prohibitionist, as he was an ultimate abolitionist.

The anti-slavery extension movement and the Illinois senatorship contest in the winter of 1855, in which Mr. Lincoln was a leading figure and candidate, were co-related. They completely overshadowed other things, so that while Lincoln and his friends fought valiantly for the suppression of intemperance, both before and after the defeat of the State prohibition law in June, 1855, the overshadowing anti-slavery movement soon left the anti-rum battle little more than a memory.

The record of the 1855 movement for State prohibition in Illinois includes documents, affidavits, and data by the late James B. Merwin, an associate of Lincoln both in 1855 and during the Civil War.

Merwin's data is used only so far as it will stand a rigid analytical test. He lost nearly all his Lincoln correspondence in the great Chicago fire in the early seventies. The documents saved amply substantiate Merwin's claim to fairly intimate association with the President.

Much of the Merwin matter—the portions not

essential to a concise record—is carried in the Appendix. The writer's association with Mr. Merwin was during the last year of his life. He was a cultured Christian gentleman, but in his last years [he died at 87] he was unmethodical and at times hazy in his reminiscences. The writer "checked up" on all of his leading statements. Those quoted successfully withstood the severest tests.

The late Charles A. Dana, of the New York *Sun*, Assistant Secretary of War in the Lincoln administration, in his admirable address to the New Haven Colony Historical Society on May 10, 1896, said of Lincoln: "*He was the least faulty in his conclusions of any man that I have ever known. He never stepped too soon, and he never stepped too late.*"

The late Col. A. K. McClure, of the Philadelphia *Times*, whose insight into Lincoln's personality came from personal knowledge, said this: "*Mr. Lincoln gave his confidence to no living man without reservation. He trusted many, but he trusted only within the carefully studied limitations of their usefulness, and when he trusted he confided, as a rule, only to the extent necessary to make that trust available.*"

These two propositions should be kept in mind in the contemplation of Lincoln's participation in the prohibition campaign in 1855. He was paid by William B. Ogden, of the Chicago & Northwestern Railroad, and others for furnishing the

“brains” of the campaign. He was a consistent fighter for temperance, but with his knowledge of political factors he doubtless was not surprised when the temperance people were robbed of a victory through intimidation and fraud.

Abraham Lincoln was a man of God in the truest sense. Perhaps it was his firm reliance on God and his belief in an overruling Providence that inclined him toward the ministers. Henry Ward Beecher, Bishop Matthew Simpson, Phineas D. Gurley, Henry W. Bellows, and James Smith were among his advisers. The Lincoln student will do well to read about Lincoln and Father Chiniquy, a victim of conspiracy, and how Chiniquy was saved from going to prison in 1856 by Lincoln; also about Lincoln and Colonel James F. Jaquess, of the 73rd Illinois Regiment, a Methodist preacher, who in 1863, with Lincoln’s knowledge and assistance, undertook a peace mission to the Confederate government. When these two significant incidents are analyzed, it will not appear surprising that Lincoln equipped the Rev. James B. Merwin with a pass written and signed by himself, supporting him through Generals Winfield Scott and Benjamin F. Butler, and kept him at work during the war talking temperance to the soldiers.

If unusual prominence is given to Merwin’s documents and data, it is because Abraham Lincoln’s interest in and activity for the prohibition of the sale and use of intoxicating liquor as a beverage have not hitherto been fully appreciated.

This volume will serve a useful purpose if by presenting documentary proof it lifts Lincoln's interest in the suppression of intemperance to its proper level—to a plane of equality with objects deeply cherished by him.

Included in the collateral matter in the Appendix are the Maine prohibition act of 1851, and the Illinois prohibition act of 1855 drafted by Lincoln, and reviewed by B. S. Edwards and Stephen T. Logan, the latter at one time Lincoln's law partner, and other Republicans of the Illinois Legislature of 1855. Lincoln used the Maine law to some extent as a basic guide, but the Illinois law was a much more perfect piece of legal mechanism. The Illinois organization was called the "Illinois State Maine Law Alliance." Also in the Appendix will be found data with reference to the passage of the Illinois prohibition act and its fate in the referendum election in June, 1855. Included also are reminiscences by James B. Merwin not essential to a concise record of Lincoln as a temperance man, and letters on the credibility of Merwin from Robert T. Lincoln, A. J. Baber, banker, and C. McDougall, medical director, Department of the East, U. S. A. In view of President Lincoln's installation of Merwin as a temperance worker in the army—an innovation supported by Generals Scott, Butler, and Dix—"character witnesses" for Merwin are superfluous, but they may be regarded as illuminating. Robert T. Lincoln's letter is included because of the writ-

er's respect for Mr. Lincoln's all-around judgment. What he says does not conflict with documentary proof.

The writer is the owner of the more important documents used in this volume. If their genuineness or purport is challenged, the lovers of truth may rest assured that only the truth is desired, as only the truth will survive.

C. T. W.

INTRODUCTION

THE one controlling motif of Lincoln's life was the consistent determination to do that which he thought was right, and it did not matter one whit how that course affected him, or anyone else, or anything. I affirm that to love truth for truth's sake is the principal part of perfection in this world. That, above all other things, this man did. He was honest in act, honest in word, and honest in thought. The crime of sham was not his. He recognized the perfidy of pretense and the wickedness of make-believe, and he abhorred them with the wholesome hate they merit. And just as this inherent honesty was his chief personal characteristic, so in like manner was that quality of patriotism which moved him to measure his every act from his earliest manhood to the date of his death by how, in his good judgment, he could do the most for his country's welfare. This patriotism is our lesson. It was not the patriotism that was born of extremities; it was not that fire, splendid as it is, which burns in the souls of men only when their country is in danger; his patriotism was not the patriotism stirred only by martial music. It was the patriotism of good citizenship, at the fire-side, the plow, the mart, in low places and in high places, in season and out of season; it was the

patriotism which caused him to make his country's welfare his own business and to interest himself continually in the practical politics of his community. Always he believed and acted the patriotism of peace as well as of war.

What a heritage is the lesson of the patriotism of this man to the people of this country! What a challenge is his entire experience to those smug individuals who are "too busy" or "too good" to interest themselves in public affairs; who sit with their hands folded, taking no part in governmental affairs, expecting everything to be right while they share no part in the burden! Abraham Lincoln was never too busy or too good to take part in the practical politics of his community.

Recognition of Lincoln's true greatness has grown steadily since he died a martyr to a great cause, but none can fail to realize that during the past few years it has been enhanced mightily throughout the world. "There goes the spirit of Lincoln at the head," ejaculated the premier of England when he saw the advance guard of American soldiers sweeping forward over Flanders. And when the awful carnage ceased, the foremost of living philosophers, gazing apprehensively into the troubled future, murmured despairingly, "What Europe needs now is a Lincoln."

If an Abraham Lincoln were and still may be the chief need of Europe, how much more surely should he be the guiding star of his own native land, the only land he ever knew, the only land he

ever loved, except as his great heart was ever filled with loving kindness for all mankind! We have not the man, but we have his spirit; we have his faith, we have his words:

“History is the voice of God sounding across the centuries the laws of right and wrong.”

“Let us have faith that right makes right, and in that faith let us, to the end, dare to do our duty as we understand it.”

WILL H. HAYS,
Postmaster General of the United States.

JUDGMENT ON THE MERWIN DOCUMENTS

THE following statement is self-explanatory:

NEW YORK, N. Y., Nov. 13, 1920.

Charles T. White, of the New York *Tribune*, whom I have known for some years, has asked me to pass upon certain signed orders and documents of the Civil-War period pertaining principally to the activities of James B. Merwin.

As manager of the War Department Telegraph Office from April, 1861, to August, 1866, I became familiar with the handwriting of many public men whose official dispatches were transmitted through the War Department. I do not undertake to explain the purport of the Merwin documents. They furnish presumptive evidence that Merwin did useful work under the direction of President Lincoln, General Winfield Scott, General Butler, and others.

I recognize a number of the autograph signatures, and believe them all to be genuine, as well as the Merwin documents to which they are appended.

D. H. BATES,

Author of *Lincoln in the Telegraph Office*.

*God raised up Abraham Lincoln to lead.
His wisdom is a legacy to the children of men.
His humanity challenges human selfishness.
In his life he was an aggressive, skillful, unrelent-
ing foe of the liquor traffic. He looked for the
day when there should no longer be in America
a slave or a drunkard.
In his death he was a martyr to the cause of
Truth and Progress.
His philosophy fits the American Present.*

CHAPTER I

LIQUOR DRINKING IN THE LINCOLN PERIOD

INDULGENCE in the use of spirituous liquor during the early part of the Lincoln period was quite universal. Its use and abuse were not peculiar to any locality. New England rum, gin, and brandy found their way to the remotest hamlets of the United States. Town meetings, musters, firemen's parades, cattle shows, fairs, and, in short, every gathering of the people of a public or social nature resulted almost invariably in scenes which in the twentieth century would shock people into indignation, but which one hundred years ago were regarded as a matter of course. Private assemblies were little better. Weddings, balls, parties, huskings, barn-raising, and even funerals were dependent upon intoxicants, while often religious conferences and ministerial gatherings resulted in an increase of the ordinary consumption of liquors.

General Neal Dow, the father of prohibition, in his *Reminiscences*, says that a clergyman, the Rev. Thomas Adams, who was pastor of a Congregational church in Vassalboro in 1817, left the following account of his observations when he first visited Maine:

"In 1817 the common use of alcoholic liquors as a beverage was universal, and no one seemed to regard it as in any manner improper. No retail merchant thought of doing business without keeping alcoholic liquors for sale. When I commenced housekeeping I purchased two pairs of decanters, and should probably have felt mortified when visitors called, or the meeting of the Ministers' Association came round, had they not been well supplied with the usual variety. I well recollect that, on settling a pretty long account with a merchant, he felt so well pleased at getting his pay that he requested me to bring over my gallon jug and he would fill it with brandy. Of course the thing was done."

General Dow, commenting on the well-nigh universal use of alcoholic beverages says:

"Go into any old-time, long-established country store in Maine, get a look at the books, if you can, covering the period from 1820 down to 1835 and 40, and you will be surprised to find, as I have repeatedly found, that the majority of the entries are for liquor in some one of its many forms."

General Dow quotes from D. R. Locke, of the *Toledo Blade*, a friend of Abraham Lincoln during the Civil War, as follows:

"I was shown one set of books in a village near Portland of ante-prohibition times, which represented a business in goods of all sorts. Eighty-four per cent of the entries were for rum. Boots and shoes, dress goods, sheeting and shirting, hats

and caps and groceries, appeared at rare intervals, but rum was splashed over every page. Every village had its rum shops, and those of any pretensions scores of them. Lawlessness and order-breaking were common; brawls and fighting were invariable on election days and all public occasions, and, in short, the State was demoralized as a State wholly given over to rum always is. It was the regular thing—rum, slothfulness, poverty and lawlessness.”

The foregoing is presented as perhaps nearly typical of American frontier life during the earlier part of the Lincoln period, before organized opposition to the rum traffic began to make itself felt. Thomas Lincoln and his son Abraham were frontiersmen.

CHAPTER II

THOMAS LINCOLN AND NANCY HANKS

THE early biographers of Lincoln, writing under the shadow of his towering personality and fame, have shown scant courtesy to Thomas Lincoln, father of Abraham, and pity, rather than justice, to Nancy Hanks. In only one or two biographies are Thomas Lincoln and Nancy Hanks treated with an understanding heart.

Thomas Lincoln, at the time he married Nancy Hanks, was a carpenter by trade, owner of a good set of tools for that period, and worked at his calling as skillfully as the average craftsman of his time. He was a man of character and probity, and at maturity was recognized as a sober-minded, melancholy-turned man, thoughtful and considerate far beyond his years. On June 12, 1806, Thomas Lincoln, aged twenty-seven, and Nancy Hanks, twenty-three, were married by the Rev. Jesse Head, a Methodist preacher and county judge. The ceremony was followed by a largely attended feast, following the custom of the countryside. The first child, Sarah, was born in 1807. Nancy's dowry was an ordinary quantity of household bedding and linen. The Lincolns were honest, frugal, generous, and helpful among their

neighbors, kind and agreeable in the family, friendly, sociable, and hospitable.

"When Thomas Lincoln and Nancy Hanks were married," says Dr. Robert H. Browne, a Lincoln biographer, "they had reached full maturity, and were in the prime of mental and physical development, trained and seasoned in the knowledge and experience common among their fellow pioneers. They were sound-minded, able-bodied, healthy, well-grown people, without constitutional disease or infirmities. They had sober, temperate habits, resolute character, and were as free and independent as they were strong and healthy."

Thomas Lincoln, though of medium size, was possessed of prodigious strength. He was good-natured, and slow to anger, but when imposed upon by some drunken bully or trouble-maker never failed to take care of himself, and invariably whipped the other man. The thorough trouncing he gave one Abraham Enloe, a trouble-making neighbor nearly a foot taller than himself, and the fact that Enloe came out of the battle scarred for life, probably had much to do with the Lincolns "pulling up stakes" and moving from the sterile soil of Hardin County, Kentucky, to the wilds of Southern Indiana, where the soil was rich, game abundant, and where there were no reminders of human slavery.

"Nancy Hanks," continues Mr. Browne, "was a healthy, pleasant-appearing, confiding, shapely-fashioned, if not a handsome woman. She had

more than an ordinary education and knowledge of affairs for her time. She could read, write, and cipher, and along with her cares and increasing responsibilities taught her husband these rudiments, and prospered him in many ways, helping him to be as well fitted for the business of life as any of his neighbors."

Mr. Browne says that shortly after the Civil War he met an old neighbor of the Thomas Lincolns near Elizabethtown, who said that Thomas Lincoln was an agreeable man, who often got the "blues" and had some strange sort of spells, and who wanted to be alone when he had them; that at such times he would talk about God and his sacrifices, and how there was a better land; that Nancy Hanks was "joyful" about the prospect of leaving Kentucky; that young Abe was a "queerish" sort of a boy, and old for a six- or seven-year-old chap.

"Taken all in all," says the historian, "there is more of Thomas Lincoln and more to his credit than can be found in the fathers of Penn or Washington, the record of whose lives was fairly well kept in their time."

CHAPTER III

LINCOLN'S HOME TRAINING

ABRAHAM LINCOLN had a home training which undoubtedly contributed to his total abstinence from strong drink. Mr. Lincoln's parents were Christians. Their home was a home of prayer, the Bible was read morning and evening, and Thomas Lincoln, the blundering, unlettered, somewhat indolent but withal good man, conducted himself in a manner to make the boy Abraham look up to him, obey him, and respect him, all of his life. It is a significant tribute to both Thomas Lincoln and Abraham Lincoln that in a community where the use of alcoholic beverages was very common neither father nor son ever became addicted to the use of them. So far as the writer has been able to discover, Thomas Lincoln himself was a total abstainer, although it is a fact that when he moved from Kentucky he included among his household belongings several barrels of whiskey which he intended to use for bartering after he located near Gentryville in Indiana.

When the customs of the time included free drinking at all celebrations, raisings, fairs, and large political gatherings, it is somewhat aston-

ishing to find that both Thomas Lincoln and his boy, first in Kentucky and later in Indiana, were able to fraternize with the robust men of the countryside without forming the convivial habit which at that time was considered by the majority of people as almost necessary if a man was to become a social factor in the neighborhood. It should be remembered that the drinking habit at that time to a very large extent was a substitute for other entertainment. Books were scarce, and even if there had been available books in sparsely settled Kentucky and Southern Indiana, the daily associates of Thomas Lincoln and his kind could not have enjoyed them, for the very good reason that the average man in that part of the country at that time was not able to read or write. Abraham Lincoln's mother was considerably above the average in intelligence. She could both write and read, and the records show that she was very careful in teaching her children from the pages of the Bible.

Charles G. Leland, the brilliant journalist, in commenting on the early life of Abraham Lincoln, says that Nancy Hanks's ability to read and write was a rare accomplishment in those days in the Kentucky backwoods. That conditions did not improve rapidly, along educational lines, is indicated from this comment by Mr. Leland: "In 1865 I saw many companies and a few regiments mustered out in Nashville, Tennessee. In the most intelligent companies, only one man in eight

or nine could sign his name. Fewer still could read."

Abraham Lincoln's total abstinence, dating from childhood, stands out in remarkable clearness against a background of this sort.

CHAPTER IV

LINCOLN'S "FIRST TEMPERANCE LECTURE"

LINCOLN'S adherence to total abstinence and his readiness to urge it upon others, are fitly illustrated by a narrative in *Abraham Lincoln and the Men of His Time*, by Robert H. Browne, who knew Lincoln in Springfield. Mr. Browne says that at about the time of his removal from New Salem to Springfield, in 1836, there was a gathering of the neighborhood and village where they were building a new bridge. When the hard work was over there was a feast, merry-makings, trials of strength, and other sports, including much liquor-drinking. Raw whisky was sold at fifteen cents a gallon, and on this occasion there was a barrel of it. In the feats of strength a large man named "Sam," the champion heavy-weight lifter, with difficulty raised six inches off a platform a pile of wood weighing one thousand pounds.

The spectators, knowing Abraham Lincoln's prowess as an athlete, at once demanded that he also try lifting the pile of wood. Lincoln was reluctant to enter the exhibition, but finally assented, and lifted the load clear a foot from the platform "without a grunt and without any straining." Some of Sam's friends shouted, "Do it again; we didn't see it!" Mr. Lincoln, to satisfy

these, stepped on the platform again, saying as he did so, "Sam, sit down on top of the pile." With Sam on top of the pile, Lincoln raised the big load almost as easily as he did the first time.

Then the bung was knocked out of the barrel of whisky. Lincoln, being challenged again, took hold of it by the chimes, raised it from the ground, took a mouthful of liquor from the open bung-hole, turned his head to the right, and spat it out on the ground over his shoulder. On releasing the barrel, he said in substance, as he related it years afterward when invited to drink, as he often was, "That reminds me of the first temperance lecture I ever made," following which he related the barrel-raising incident and quoted his first "temperance lecture":

"My friends, you will do well and the best you can with it, to empty this barrel of liquor on the ground, as I threw the little part of it out of my mouth. It is not on moral grounds alone that I am giving you this advice; but you are strong, healthy, and rugged people. It is as true as that you are so now that you cannot remain so if you indulge your appetites in alcoholic drinks. You cannot retain your health and strength if you continue the habit, and when you lose them, neither you nor your children are likely to regain them. As a good friend, without counting the distress and wreckage of mind, let me advise, that if you wish to remain healthy and strong, turn it away from your lips."

CHAPTER V

LINCOLN'S ESSAY ON TEMPERANCE AT SEVENTEEN

WILLIAM H. HERNDON, for twenty years Lincoln's law partner, says¹ that Lincoln prepared a composition on the American government and one on temperance at the age of seventeen.

"By the time he had reached his seventeenth year," says Herndon, "he had attained the physical proportions of a full-grown man. He was employed to assist James Taylor in the management of a ferryboat across the Ohio River, near the mouth of Anderson's Creek (southern Indiana), but was not allowed a man's wages for the work. He received thirty-seven cents a day for what he afterward told me was the roughest work a young man could be made to do. He prepared a composition on the American government, calling attention to the necessity of preserving the Constitution and perpetuating the Union, which with characteristic modesty he handed over to his friend and patron William Woods, for safe-keeping and perusal. Through the instrumentality of Woods it attracted the attention of many persons, among

¹*Abraham Lincoln*, by William H. Herndon and Jesse W. Weik, D. Appleton & Co., New York, publishers.

them one John Pitcher, who afterward became a judge and lived to be nearly one hundred years of age. Mr. Pitcher lived at Rockport, Indiana, and all during the latter part of his life spoke with the greatest enthusiasm of the high qualities of the composition. An article on temperance was shown under similar circumstances to Aaron Farmer, a Baptist preacher of local renown, and by him furnished to an Ohio newspaper for publication."

CHAPTER VI

BERRY AND LINCOLN AS "GROCERY KEEPERS"

THE liquor interests, in order to embarrass and get the "laugh" on the advocates of temperance, repeatedly have charged that the records show that Abraham Lincoln was a "grocery keeper" at New Salem in the early thirties, and that as such he sold liquors over the bar. While this was regarded as a preposterous fling by those who knew Lincoln, and later by those who carefully studied his career, the liquor people insisted that the records sustained their contention. They had some color of support in the charge made by Stephen A. Douglas in the first of the celebrated joint debates at Ottawa, Illinois, on August 21, 1858. Douglas, using a favorite trick of the period, charged Lincoln either directly or by innuendo with many trivial things, probably in the hope that Lincoln would consume the time allotted for serious discussion in refuting Douglas's nonsense. One of these charges was that Lincoln was "a flourishing grocery keeper in the town of Salem" at the time that he, Douglas, was a school-teacher in the town of Winchester nearby. Further along Douglas, continuing in his bantering,

said, "He [Lincoln] could beat any of the boys wrestling or running a footrace, in pitching quoits or tossing a copper; could ruin more liquor than all the boys of the town together."

Lincoln in answering Douglas on this occasion took time to consider a few of these "little follies" of his opponent, as he termed them, saying: "The Judge is woefully at fault about his early friend Lincoln being a 'grocery keeper.' I don't know as it would be a great sin if I had been; but he is mistaken. Lincoln never kept a grocery anywhere in the world. It is true that Lincoln did work the latter part of one winter in a little still-house up at the head of a hollow."

Leonard Swett, one of Lincoln's closest friends, who "rode the circuit" with him from 1848 through the fifties, in a reminiscence of Lincoln published in 1886 by Allen Thorndike Rice, of the *North American Review*, dwells upon this store-keeping incident in the life of Lincoln. Mr. Swett says that Lincoln, in describing his relations with his partner Berry, stated that a difference soon arose between him and his partner with reference to the introduction of whisky into the establishment. Berry insisted that, on the principle that honey catches flies, a barrel of whisky in the store would invite customers, and their sales would increase, while Lincoln, who never liked liquor, opposed this innovation. "He told me," continues Mr. Swett, "not more than a year before he was elected President, that he had never tasted liquor

in his life. 'What?' I said, 'do you mean to say you never tasted it?' 'Yes, I never tasted it.' The result was that a bargain was made by which Lincoln should retire from his partnership in the store. He was to step out as he stepped in, and he had nothing when he stepped out. But the partner took all the goods, and agreed to pay all the debts, for a part of which Mr. Lincoln had become jointly liable."

Mr. Swett then relates how Lincoln, after returning from the Black Hawk War, "found his old partner had been his own best customer at the whisky barrel, and that all the goods were gone, but having failed to pay the debts, there were eleven hundred dollars for which Lincoln was jointly liable. I cannot forget his face of seriousness as he turned to me and said: 'That debt was the greatest obstacle I have ever met in life; I had no way of speculating, and I could not earn money except by labor, and to earn by labor eleven hundred dollars besides my living, seemed the work of a lifetime. There was, however, but one way. I went to the creditors and told them that if they would let me alone, I would give them all I could earn, over my living, as fast as I could earn it.'"

CHAPTER VII

THE WASHINGTONIAN MOVEMENT

THE Washingtonian movement was organized in Baltimore on April 6, 1840, and within three or four years it had extended over the greater part of the United States. Abraham Lincoln seems to have been one of the leaders in this movement in the city of Springfield, his home, as shown by the memorable address made by him on February 22, 1842, and given elsewhere. W. K. Mitchell, a tailor; J. F. Hoss, a carpenter; David Anderson and George Steers, blacksmiths; James McCurley, a coachmaker; and Archibald Campbell, a silver-smith, all drinking men of Baltimore, met and resolved to reform. Their action was prompted by the impression made upon one of the members of their club for "social tippling" by a distinguished lecturer on temperance who spoke in Baltimore on the evening of April second. The tippling club, reorganized into "The Washington Society," not only kept the pledge of total abstinence themselves but induced others to do so. The movement spread over the land, until six hundred thousand drunkards had signed the pledge, of whom all but one hundred and fifty thousand, however, subsequently returned to their cups. Societies for

women known as Martha Washington societies, were inaugurated in 1841.

The force of the Washingtonians had spent itself by 1843. The movement depended upon moral suasion alone, many of its most zealous supporters opposing all resort to the enactment or enforcement of laws against the traffic. Its main service was preparing the ground for more modern organizations which followed. As United States Senator H. W. Blair remarks of the Washingtonians in his *Temperance Movement*: "There was no law. Enthusiasm from its very nature cannot stay. An explosion may after a while be repeated, but it is a poor organizer. . . . All the same, the explosion is good; it rends the rock and is indispensable. To have created the necessity and to have made the way for such an order as the Sons of Temperance was of itself an incalculable good; and the one hundred and fifty thousand who were steadfast have been a mighty power in subsequent reform."

Abraham Lincoln joined the Washingtonian movement in the spirit of a missionary. On the same day that he made his address to the Washingtonians in Springfield in 1842 he wrote a letter to George E. Pickett, who was preparing to enter the National Military Academy, saying: "I have just told the folks here in Springfield on this one hundred and tenth anniversary of the birth of him whose name, mightiest in the cause of civil liberty, still mightiest in the cause of moral reformation,

we mention in solemn awe, in naked, deathless splendor, that the one victory we can ever call complete will be that one which proclaims that there is not one slave or one drunkard on the face of God's green earth. Recruit for this victory."

CHAPTER VIII

LINCOLN'S ADDRESS TO THE WASHINGTONIANS

THE following address was delivered before the Springfield Washingtonian Temperance Society at the Second Presbyterian Church, on February 22, 1842, by Abraham Lincoln:

Although the temperance cause has been in progress for nearly twenty years, it is apparent to all that it is just now being crowned with a degree of success hitherto unparalleled.

The list of its friends is daily swelled by the additions of fifties, of hundreds, and of thousands. The cause itself seems suddenly transformed from a cold, abstract theory into a living, breathing, active, and powerful chieftain, going forth "conquering and to conquer." The citadels of his great adversary are daily being stormed and dismantled; his temples and his altars, where the rites of his idolatrous worship have long been performed, and where human sacrifices have long been wont to be made, are daily desecrated and deserted. The trump of the conqueror's fame is sounding from hill to hill, from sea to sea, and from land to land, and calling millions to his standard at a blast.



LINCOLN IN 1847—HIS FIRST PHOTOGRAPH

For this new and splendid success we heartily rejoice. That that success is so much greater now than heretofore is doubtless owing to rational causes; and if we would have it continue, we shall do well to inquire what those causes are.

The warfare heretofore waged against the demon intemperance has, somehow or other, been erroneous. Either the champions engaged, or the tactics they adopted, have not been the most proper. These champions, for the most part, have been preachers, lawyers, and hired agents; between these and the mass of mankind there is a want of *approachability*, if the term be admissible, partial, at least, fatal to their success. They are supposed to have no sympathy of feeling or interest with those very persons whom it is their object to convince and persuade.

And, again, it is so easy and so common to ascribe motives to men of these classes, other than those they profess to act upon. The preacher, it is said, advocates temperance because he is a fanatic, and desires a union of the church and state; the lawyer from his pride, and vanity of hearing himself speak; and the hired agent for his salary.

But when one who has long been known as a victim of intemperance bursts the fetters that have bound him and appears before his neighbors "clothed and in his right mind," a redeemed specimen of long-lost humanity, and stands up with tears of joy trembling in his eyes, to tell of

the miseries once endured now to be endured no more forever, of his once naked and starving children, now clad and fed comfortably, of a wife, long weighed down with woe, weeping, and a broken heart, now restored to health, happiness, and a renewed affection, and how easily it is all done, once it is resolved to be done, how simple his language! There is a logic and an eloquence in it that few with human feelings can resist. They cannot say that he desires a union of church and state, for he is not a church-member; they cannot say he is vain of hearing himself speak, for his whole demeanor shows he would gladly avoid speaking at all; they cannot say he speaks for pay, for he receives none, and asks for none. Nor can his sincerity in any way be doubted or his sympathy for those he would persuade to imitate his example be denied.

In my judgment it is to the battles of this new class of champions that our late success is greatly, perhaps chiefly, owing. But had the old-school champions themselves been of the most wise selecting? Was their system of tactics the most judicious? It seems to me it was not. Too much denunciation against dram-sellers and dram-drinkers was indulged in. This, I think, was both impolitic and unjust. It was impolitic because it is not much in the nature of man to be driven to anything, still less to be driven about that which is exclusively his own business, and least of all where such driving is to be submitted to at the

expense of pecuniary interest or burning appetite. When the dram-seller and drinker were incessantly told, not in the accents of entreaty and persuasion, diffidently addressed by erring man to an erring brother, but in the thundering tones of anathema and denunciation, with which the lordly judge often groups together all the crimes of the felon's life, and thrusts them in his face just ere he passes sentence of death upon him, that they were the authors of all the vice and misery and crime in the land; that they were the manufacturers and material of all the thieves and robbers and murderers that infest the earth; that their houses were the workshops of the devil, and that their persons should be shunned by all the good and virtuous, as moral pestilences—I say, when they were told all this, and in this way, it is not wonderful that they were slow, very slow, to acknowledge the truth of such denunciations, and to join the ranks of their denouncers, in a hue and cry against themselves.

To have expected them to do otherwise than they did—to have expected them not to meet denunciation with denunciation, crimination with crimination, and anathema with anathema—was to expect a reversal of human nature which is God's decree, and can never be reversed.

When the conduct of men is designed to be influenced, persuasion, kind, unassuming persuasion, should ever be adopted. It is an old and true maxim "that a drop of honey catches more flies

than a gallon of gall." So with men. If you would win a man to your cause, first convince him that you are his sincere friend. Therein is a drop of honey that catches his heart, which, say what he will, is the great high-road to his reason, and which, when once gained, you will find but little trouble in convincing his judgment of the justice of your cause, if, indeed, that cause really be a just one. On the contrary, assume to dictate to his judgment, or to command his action, or to mark him as one to be shunned and despised, and he will retreat within himself, close all the avenues to his head and his heart, and though your cause be naked truth itself, transformed to the heaviest lance, harder than steel, and sharper than steel can be made, and though you throw it with more than Herculean force and precision, you shall be no more able to pierce him than to penetrate the hard shell of a tortoise with a rye-straw. Such is man, and so must he be understood by those who would lead him, even to his own best interests.

On this point the Washingtonians greatly excel the temperance advocates of former times. Those whom they desire to convince and persuade are their old friends and companions. They know they are not demons, nor even the worst of men; they know that generally they are kind, generous, and charitable, even beyond the example of their more staid and sober neighbors. They are practical philanthropists; and they glow with a gen-

erous and brotherly zeal, that mere theorizers are incapable of feeling. Benevolence and charity possess their hearts entirely; and out of the abundance of their hearts their tongues give utterance, "Love through all their actions runs, and all their words are mild": in this spirit they speak and act, and in the same they are heard and regarded. And when such is the temper of the advocate, and such of the audience, no good cause can be unsuccessful. But I have said that denunciations against dram-sellers and dram-drinkers are unjust, as well as impolitic. Let us see.

I have not inquired at what period of time the use of intoxicating liquors commenced; nor is it important to know. It is sufficient that to all of us who now inhabit the world, the practice of drinking them is just as old as the world itself, that is, we have seen the one, just as long as we have seen the other. When all such of us as have now reached the years of maturity first opened our eyes upon the stage of existence, we found intoxicating liquors recognized by everybody, used by everybody, repudiated by nobody. It commonly entered into the first draught of the infant, and the last draught of the dying man. From the sideboard of the parson down to the ragged pocket of the houseless loafer it was constantly found. Physicians prescribed it, in this, that, and the other disease; government provided it for soldiers and sailors; and to have a rolling or raising, a husking or "hoe-down" anywhere about without it,

was *positively insufferable*. So too it was everywhere a respectable article of manufacture and of merchandise. The making of it was regarded as an honorable livelihood, and he who could make most was the most enterprising and respectable. Large and small manufactories of it were everywhere erected, in which all the earthly goods of their owners were invested. Wagons drew it from town to town; boats bore it from clime to clime, and the winds wafted it from nation to nation; and merchants bought and sold it, by wholesale and retail, with precisely the same feelings on the part of the seller, buyer, and by-stander as are felt at the selling and buying of plows, beef, bacon, or any other of the real necessities of life. Universal public opinion not only tolerated but recognized and adopted its use.

It is true, that even then it was known and acknowledged that many were greatly injured by it; but none seemed to think the injury arose from the use of a bad thing, but from the abuse of a very good thing. The victims of it were to be pitied and compassionated, just as are the heirs of consumption and other hereditary diseases. Their failing was treated as a misfortune, and not as a crime, or even as a disgrace.

If, then, what I have been saying is true, is it wonderful, that some should think and act now as all thought and acted twenty years ago, and is it just to assail, condemn, or despise them for doing so? The universal sense of mankind, on any sub-

ject, is an argument, or at least an influence, not easily overcome. The success of the argument in favor of the existence of an overruling Providence, mainly depends upon that sense; and men ought not, in justice, to be denounced for yielding to it in any case, or giving it up slowly, especially when they are backed by interest, fixed habits, or burning appetites.

Another error, as it seems to me, into which the old reformers fell, was the position that all habitual drunkards were utterly incorrigible, and therefore, must be turned adrift, and damned without remedy, in order that the grace of temperance might abound to the temperate then and to all mankind some hundreds of years thereafter. There is in this something so repugnant to humanity, so uncharitable, so cold-blooded and feelingless, that it never did nor never can enlist the enthusiasm of a popular cause. We could not love the man who taught it—we could not hear him with patience. The heart could not throw open its portals to it, the generous man could not adopt it, it could not mix with his blood. It looked so fiendishly selfish, so like throwing fathers and brothers overboard, to lighten the boat for our security—that the noble-minded shrank from the manifest meanness of the thing. And besides this, the benefits of a reformation to be effected by such a system were too remote in point of time, to warmly engage many in its behalf. Few can be induced to labor exclusively for pos-

terity; and none will do it enthusiastically. Posterity has done nothing for us; and theorize on it as we may, practically we shall do very little for it unless we are made to think, we are, at the same time, doing something for ourselves.

What an ignorance of human nature does it exhibit, to ask or expect a whole community to rise up and labor for the temporal happiness of others, after themselves shall be consigned to the dust, a majority of which community take no pains whatever to secure their own eternal welfare at no greater distant day. Great distance in either time or space has wonderful power to lull and render quiescent the human mind. Pleasures to be enjoyed, or pains to be endured, after we shall be dead and gone, are but little regarded, even in our own cases, and much less in the case of others.

Still, in addition to all this, there is something so ludicrous in promises of good or threats of evil, a great way off, as to render the whole subject with which they are connected easily turned into ridicule. "Better lay down that spade you're stealing, Paddy. If you don't, you'll pay for it at the Day of Judgment." "Be the powers, if ye'll credit me so long, I'll take another jist."

By the Washingtonians this system of consigning the habitual drunkard to hopeless ruin is repudiated. They adopt a more enlarged philanthropy, they go for present as well as future good. They labor for all now living, as well as those hereafter to live. They teach hope to all—despair

to none. As applying to their cause, they deny the doctrine of unpardonable sin; as in Christianity it is taught, so in this they teach:

"While the lamp holds out to burn,
The vilest sinner may return."

And, what is a matter of the most profound congratulation, they, by experiment upon experiment, and example upon example, prove the maxim to be no less true in the one case than in the other. On every hand we behold those who but yesterday were the chief of sinners, now the chief apostles of the cause. Drunken devils are cast out by ones, by sevens, by legions; and their unfortunate victims, like the poor possessed, who was redeemed from his long and lonely wanderings in the tombs, are publishing to the ends of the earth how great things have been done for them.

To these new champions, and this new system of tactics, our late success is mainly owing; and to them we must mainly look for the final consummation. The ball is now rolling gloriously on, and none are so able as they to increase its speed, and its bulk—to add to its momentum and its magnitude—even though unlearned in letters, for this task none are so well educated. To fit them for this work they have been taught in the true school. They have been in that gulf, from which they would teach others the means of escape. They have passed that prison wall which others have long declared impassable; and who that has not

shall dare to weigh opinions with them as to the mode of passing?

But if it be true, as I have insisted, that those who have suffered by intemperance personally, and have reformed, are the most powerful and efficient instruments to push the reformation to ultimate success, it does not follow that those who have not suffered have no part left them to perform. Whether or not the world would be vastly benefited by a total and final banishment from it of all intoxicating drinks seems to me not now an open question. Three fourths of mankind confess the affirmative with their tongues; and, I believe, all the rest acknowledge it in their hearts.

Ought any, then, to refuse their aid in doing what the good of the whole demands? Shall he who cannot do much be, for that reason, excused if he do nothing? "But," says one, "what good can I do by signing the pledge? I never drink, even without signing." This question has already been asked and answered more than a million of times. Let it be answered once more. For the man, suddenly or in any other way, to break off from the use of drams, who has indulged in them for a long course of years, and until his appetite for them has grown ten or a hundredfold stronger and more craving than any natural appetite can be, requires a most powerful moral effort. In such an undertaking he needs every moral support and influence that can possibly be brought to his aid and thrown around him. And not only so,

but every moral prop should be taken from whatever argument might rise in his mind to lure him to his back-sliding. When he casts his eyes around him he should be able to see all that he respects, all that he admires, all that he loves, kindly and anxiously pointing him onward, and none beckoning him back to his former miserable "wallowing in the mire."

But it is said by some, that men will think and act for themselves; that none will disuse spirits or anything else because his neighbors do; and that moral influence is not that powerful engine contended for. Let us examine this. Let me ask the man who could maintain this position most stiffly what compensation he will accept to go to church some Sunday and sit during the sermon with his wife's bonnet upon his head! Not a trifle, I'll venture. And why not? There would be nothing irreligious in it, nothing immoral, nothing uncomfortable—then why not? Is it not because there would be something egregiously unfashionable in it? Then it is the influence of fashion; and what is the influence of fashion but the influence that other people's actions have on our own actions—the strong inclination each of us feels to do as we see all our neighbors do? Nor is the influence of fashion confined to any particular thing or class of things. It is just as strong on one subject as another. Let us make it as unfashionable to withhold our names from the temperance pledge, as for husbands to wear their

wives' bonnets to church, and instances will be just as rare in the one case as the other.

"But," say some, "we are no drunkards, and we shall not acknowledge ourselves such, by joining a reformed drunkards' society, whatever our influence might be." Surely, no Christian will adhere to this objection.

If they believe, as they profess, that Omnipotence condescended to take on himself the form of sinful man, and, as such, to die an ignominious death for their sakes, surely, they will not refuse submission to the infinitely lesser condescension, for the temporal, and perhaps eternal salvation, of a large, erring, and unfortunate class of their fellow creatures. Nor is the condescension very great. In my judgment such of us as have never fallen victims have been spared more from the absence of appetite than from any mental or moral superiority over those who have. Indeed, I believe, if we take the habitual drunkards as a class, their heads and their hearts will bear an advantageous comparison with those of any other class. There seems ever to have been a proneness in the brilliant and warm-blooded to fall into this vice—the demon of intemperance ever seems to have delighted in sucking the blood of genius and generosity. What one of us but can call to mind some relative, more promising in youth than all his fellows, who has fallen a sacrifice to his rapacity? He ever seems to have gone forth like the Egyptian angel of death, commissioned to slay, if not

the first, the fairest born of every family. Shall he now be arrested in his desolating career? In that arrest all can give aid that will; and who shall be excused that can, and will not? Far around as human breath has ever blown he keeps our fathers, our brothers, our sons, and our friends prostrate in the chains of moral death. To all the living, everywhere, we cry, "Come, sound the moral trump, that these may rise and stand up an exceeding great army."—"Come from the four winds, O breath! and breathe upon these slain, that they may live." If the relative grandeur of revolutions shall be estimated by the great amount of human misery they alleviate, and the small amount they inflict, then, indeed, will this be the grandest the world shall ever have seen.

Of our political revolution of '76 we are all justly proud. It has given us a degree of political freedom far exceeding that of any other nation of the earth. In it the world has found a solution of the long-mooted problem as to the capability of man to govern himself. In it was the germ which has vegetated, and still is to grow and expand into the universal liberty of mankind.

But, with all these glorious results, past, present, and to come, it had its evils too. It breathed forth famine, swam in blood, and rode in fire; and long, long after, the orphans' cry and the widows' wail continued to break the sad silence that ensued. These were the price, the inevitable price, paid for the blessings it bought.

Turn now to the temperance revolution. In it we shall find a stronger bondage broken, a viler slavery manumitted, a greater tyrant deposed—in it, more of want supplied, more disease healed, more sorrow assuaged. By it, no orphans starving, no widows weeping. By it, none wounded in feeling, none injured in interest; even the dram-maker and dram-seller will have glided into other occupations so gradually as never to have felt the change, and will stand ready to join all others in the universal song of gladness. And what a noble ally this, to the cause of political freedom, with such an aid, its march cannot fail to be on and on, till every son of earth shall drink in rich fruition the sorrow-quenching draughts of perfect liberty. Happy day, when, all appetites controlled, all passions subdued, all matter subjugated, mind, all-conquering mind, shall live and move, the monarch of the world! Glorious consummation! Hail, fall of fury! Reign of reason, all hail!

And when the victory shall be complete—when there shall be neither a slave nor a drunkard on the earth—how proud the title of that *Land*, which may truly claim to be the birth-place and the cradle of both those revolutions that shall have ended in that victory! How nobly distinguished that people, who shall have planted, and nurtured to maturity, both the political and moral freedom of their species.

This is the one hundred and tenth anniversary

of the birthday of Washington—we are met to celebrate this day. Washington is the mightiest name of earth—long since mightiest in the cause of civil liberty, still mightiest in moral reformation. On that name a eulogy is expected. It cannot be. To add brightness to the sun, or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe we pronounce the name, and in its naked, deathless splendor leave it shining on.

CHAPTER IX

FATHER MATHEW

THE temperance movements in America—Washingtonian and others—received a great impetus from the visit to the United States of Father Theobald Mathew in 1849, which visit was prolonged until the close of 1851. While Lincoln was not identified with the Father Mathew movement, a record of it is indispensable in a comprehensive survey of the progress of temperance in America.

Father Mathew was born in Thomastown, Tipperary, on October 10, 1790, and died at Queens-town on December 8, 1856. He studied at Dublin, entered the Capuchin order, and in 1838 established a total abstinence association, which enrolled one hundred and fifty thousand names in less than nine months. After preaching and working in various cities and counties in Ireland, he visited England, Scotland, and Wales.

In 1849, despite a stroke of paralysis which partially disabled him, he yielded to the solicitation of friends in the United States, and sailed for New York. His fame had preceded him. In Ireland he had been the coworker of Daniel O'Connell, the agitator, and declared publicly his sympathy for many of the principles avowed by O'Con-



FATHER THEOBALD MATHEW, TEMPERANCE REFORMER

nell—especially those related to human freedom. He differed from O'Connell, however, in keeping his temperance movement free from politics. His sympathy for the American slave was made clear when he entertained Frederick Douglass at his home in Ireland. The famine period in Ireland (1845-46), prompting generous American relief, greatly warmed Father Mathew toward the United States.

He was welcomed to the port of New York by great crowds. There were levees in the City Hall for two weeks. Archbishop Hughes entertained him. The warm-hearted priest met his first embarrassment in Boston, where he was invited by William Lloyd Garrison to an anti-slavery meeting. He had been advised that it would be impolitic to link his fortunes with the Abolitionists, and his refusal to accept Garrison's invitation provoked the anger of the anti-slavery people. The Governor of Georgia, who had publicly invited him to visit that State, had discovered that he was sympathetic toward the slave, and in a most offensive letter to Father Mathew recalled his invitation. He again became a storm-center in Washington, where he was the guest of President Tyler at the White House, and of the United States Senate. On motion of Senator Walker, of Wisconsin, he was invited to sit within the bar of the Senate. Southern senators objected to such signal honor on the ground that he was a partisan, with anti-slavery leanings. A spirited debate en-

sued, participated in by Senators Seward, Clay, Cass, Walker, Hale, Foote, and Badger, the northern senators deprecating the introduction of the slavery issue. The Walker motion prevailed, thirty-three to eighteen. Even this incident favorably advertised Father Mathew, whose audiences were tremendous. He visited Richmond, Savannah, Mobile, Little Rock, Hot Springs, Vicksburg, Pensacola, and New Orleans, making an extended stay at the latter place, where more than twelve thousand people signed the total abstinence pledge. Notwithstanding the success of his crusade here and the desire on the part of leading Americans to have him remain, disquieting news from home impelled him to return to Ireland in December, 1851. In his absence the temperance cause rapidly declined, even in cities where he had established temperance reading rooms. The hard labor involved in recovering lost ground overtaxed him. He visited Madeira in 1854, without regaining his strength. His death took place in Queenstown two years later, and he was buried in Cork.

His biographer, John Francis Maguire, M.P., says that there can be no doubt about the permanent good accomplished by Father Mathew wherever he went. While many of the pledge-takers relapsed into drunkenness, many, on the other hand, were permanently reformed.

In the United States the Father Mathew movement served to stimulate the Washingtonians and

other temperance agitators, and to advertise—if the term is permissible—the benefits arising from total abstinence. The Father Mathew societies of the Roman Catholic Church still attest his memory.

CHAPTER X

SONS OF TEMPERANCE

THE Sons of Temperance was organized September 29, 1842, in New York city, the object of the society being thus described upon its official records:

"To shield its members from the evils of intemperance, to afford mutual assistance in case of sickness, and to elevate their characters as men." Women were not admitted. The organization was modeled in some respects after Masonic ideas. At the close of 1846 the membership numbered one hundred thousand, an increase of sixty thousand in one year.

Profiting by the experience of the Washingtonians, General Cary, the chief officer, said in 1849: "We must seal up the *fountain* whence flows the desolating stream of death," and the National Division declared, "The mission of the order is to secure the utter annihilation of the manufacture of and traffic in intoxicating drinks," and that "we desire, will have, and will enforce laws, in our respective local cities, for the suppression of this . . . business."

In 1866 women were admitted to membership and office-holding on an equality with men.

During the Civil War the nation-wide anti-slavery struggle supplanted every other interest; "the order nearly disappeared from the Southern States"; over two hundred Sons of Temperance boys fought for the preservation of the Union; "widespread paralysis settled upon the order." As soon as the war ended, however, it began to revive, and in 1872 numbered nearly ninety-four thousand members.

The society has always taken great interest in enrolling boys and girls in its ranks. In 1890 at Ocean Grove, New Jersey, the National Division called into existence "The Loyal Crusader" and in 1910 the different juvenile divisions were consolidated as "Crusaders of Temperance."

At the present date the order represents the oldest temperance society existent in the United States. Subordinate, Grand, and National Divisions of it have been organized in Great Britain, Canada, and Australia.

Lincoln assured a deputation of the Sons of Temperance waiting upon him on September 29, 1863, in behalf of the suppression of liquor-drinking in the Army, that they had his friendship and sympathy, his words being as follows:

"If I were better known than I am, you would not need to be told that in the advocacy of the cause of temperance you have a friend and sympathizer in me. When I was a young man—long ago—before the Sons of Temperance as an organization had an existence—I, in a humble way,

made temperance speeches, and I think I may say that to this day I have never, by my example, belied what I then said. I think that the reasonable men of the world have long since agreed that intemperance is one of the greatest, if not the very greatest, of all evils among mankind. That is not a matter of dispute, I believe. That the disease exists, and that it is a very great one, is agreed upon by all. The mode of cure is one about which there may be differences of opinion. You have suggested that in an army—our army—drunkenness is a great evil, and one which, while it exists to a very great extent, we cannot expect to overcome so entirely as to have such successes in our arms as we might have without it. This undoubtedly is true, and while it is perhaps rather a bad source to derive comfort from, nevertheless in a hard struggle I do not know but what it is some consolation to be aware that there is some intemperance on the other side too; and that they have no right to beat us in physical combat on that ground.”

CHAPTER XI

LINCOLN AND PLEDGE SIGNING

LINCOLN'S aggressive adherence to temperance propaganda is adequately set forth in the Rev. Louis Albert Banks's book, "The Lincoln Legion," wherein it is shown that following an address by Mr. Lincoln in 1846 or 47 at the South Fork schoolhouse, Cotton Hill township, Sangamon County, Illinois, Preston Breckinridge, his ten-year-old son, Cleopas, R. E. Berry, Moses Martin, George Miller, and Uriah Hughes, all of whom heard Lincoln, signed the pledge at the time at the suggestion of Lincoln. Dr. Howard H. Russell, organizer of the Anti-Saloon League in 1900, hunted up Cleopas Breckinridge, R. E. Berry and Moses Martin at their respective homes and obtained affidavits, which were printed. After Lincoln had finished his address he drew from his pocket a paper, which he called the "Washington Pledge," and added: "It is the same pledge many thousands of people have signed in connection with the work of the Washingtonian Society throughout the country. I have signed this pledge myself, and would be glad to have as many of my neighbors who are willing to do so, sign the same pledge with me."

Lincoln asked the Breckinridge boy his name, and, on being told that the youngster could not write, he signed his name for him, and then with his hand on the head of the lad he said:

"Now, sonny, you keep this pledge, and it will be the best act of your life." Berry kept the pledge, which follows:

"Whereas, the use of alcoholic liquors as a beverage is productive of pauperism, degradation, and crime, and believing it is our duty to discourage that which produces more evil than good, we therefore pledge ourselves to abstain from the use of intoxicating liquors as a beverage."

CHAPTER XII

LINCOLN'S INDORSEMENT OF HIS PASTOR'S RADICAL TEMPERANCE VIEWS

LINCOLN seems to have indorsed and circulated the radical temperance views of his pastor, the Rev. Dr. James Smith, pastor of the First Presbyterian Church, of Springfield, where Lincoln was a pewholder and regular attendant. On January 23, 1853, Dr. Smith delivered an address in Springfield on the drink evil—a radical utterance at a time when prohibition sentiment was strong in Illinois. On the following day Springfield citizens addressed to Mr. Smith a letter in which they said: "The undersigned having listened with great satisfaction to the discourse on the subject of temperance, delivered by you last evening, and believing it would be productive of good, would respectfully request a copy thereof for publication." The copy was furnished, the address was published in a sixteen-page pamphlet, and on the title page in the list of those signing the above request appears the name "A. Lincoln." Tradition says that Lincoln was the prime mover in securing the publication. Eleven years before, in the Second Presbyterian Church in Springfield, Lincoln had delivered his address to the Washingtonians, found elsewhere in this book.

CHAPTER XIII

LINCOLN AND THE ILLINOIS PROHIBITION CAMPAIGN

LINCOLN biographers, who have not identified Lincoln with the campaign for State prohibition in Illinois in 1855, doubtless will object at this late date to the association of his name with that movement. The documentary proof is not the only answer to any query raised. The burden of proof inevitably will be upon those who contend that Lincoln did not take a leading part in that campaign. In addition to the testimony presented is the inherent proof in the established facts surrounding that campaign and the legislation in the Illinois Legislature leading up to it. The surprising vote given for prohibition at the referendum election in June, 1855, was not an accident. The propaganda was by the friends of temperance. Lincoln at that time and for years before was an avowed temperance man. The members of the Illinois Legislature who voted through the prohibition law, which by the way, is the first law in the "Public Laws of Illinois for 1855," were "Lincolnian" in their political thought and conduct. Generally speaking, they were Republicans, Whigs, anti-slavery and churchgoing

people. Very many of them were then, and afterward, Lincoln's friends and political associates.

"He never stepped too soon, and he never stepped too late," said Charles A. Dana. In the fall and early winter of 1854 and early part of 1855 Lincoln was contesting for the United States senatorship. Doubtless he had good reason, up to the time a senator was chosen, for refraining from too intimate identification with the State prohibition movement. It is a rather violent assumption that he was not keenly interested in it. Any such assumption would be unwarranted in the absence of proof to the contrary, but when the proof to the contrary is submitted such assumption must give way. Perhaps Lincoln's own method of reasoning when brought to bear upon a point like this may prove illuminating. In a speech delivered at Springfield at the close of the Republican State Convention, June 17, 1858, in which he practically charged the slavery sympathizers with conspiracy, he made this lucid statement:

"But when we see a lot of framed timbers, different portions of which we know have been gotten out at different times and places and by different workmen—Stephen, Franklin, Roger, and James, for instance—and when we see these timbers joined together, and see they exactly make the frame of a house or a mill, all the tenons and mortices exactly fitting, and all the lengths and proportions of the different pieces exactly adapted to

their respective places, and not a piece too many or too few—not omitting even scaffolding—or, if a single piece be lacking, we see the place in the frame exactly fitted and prepared to bring such piece in—in such a case, we find it impossible not to believe that Stephen and Franklin and Roger and James all understood one another from the beginning, and all worked upon a common plan or draft drawn up before the first blow was struck.”

By the same reasoning, Abraham Lincoln, prophet of an ultimate extinction of slavery and drunkenness, took a leading part in the campaign for State prohibition in Illinois.

CHAPTER XIV

THE ILLINOIS PROHIBITION LAW AND ITS AUTHORSHIP

INVESTIGATORS only recently came to an agreement that Abraham Lincoln wrote the 1855 Prohibition Law. The statement in the history of Illinois by Davidson & Stuve, that B. S. Edwards, a Springfield lawyer, framed the Prohibition Law, and another statement by the Springfield correspondent of the Chicago *Daily Press* that Stephen T. Logan, Lincoln's former law partner, probably wrote it, are not in conflict in the light of recent research.

Henry B. Rankin, of Springfield, author of *Personal Recollections of Abraham Lincoln*, who made a thoroughgoing search, under date of February 28, 1921, in a letter to the writer, says:

"Lincoln prepared the first draft of the Law for submission to the Legislature. He took it over to Judge S. T. Logan's office for any change the Judge thought should be made. They both discussed the act as Lincoln had drawn it. The Judge held the manuscript several days and added such revisions and changes as he deemed would facilitate its adoption by the Legislature, and took it back to Lincoln. Lincoln approved of the

Judge's alterations. They then canvassed the matter as to who would be most proper to present it to some members of the Legislature to bring before the Legislature.

"Lincoln advised that they both go over to the law offices of Stuart and Edwards (both of whom had gone over from the Whig to the Democratic Party after the compromise measures of 1850 had been passed) and submit the manuscript to B. S. Edwards, and if he approved it, then to insist that he bring it before such members of the Legislature—on the Democratic side—who would introduce it free of any of the Whig odor of Logan or the Free-Soil Whigism of Lincoln.

"This was done. Edwards consented, and adopted the act as they had prepared it. He copied the manuscript in his own handwriting and interested his party friends in the Legislature to secure its adoption.

"All three thus had a hand in it. I heard Edwards, in a speech in the courthouse at Petersburg in 1855 advocating its adoption by the referendum then before the State, say that he wrote the Law. This was in answer to an inquiry about the 'Search and Seizure clause' and its true meaning, and he showed (to his party friend's satisfaction) that it preserved the good Jacksonian doctrine that 'every man's private house was his castle' and inviolable."

James B. Merwin, corresponding secretary of the Illinois State Maine Law Alliance, under au-

thority and payment to push the work, says that Abraham Lincoln wrote the Law in December, after his, Merwin's, arrival in Springfield, and describes his first meeting with Lincoln, and says that Dr. Nathan S. Davis, of Chicago, the leading physician of that city and an aggressive temperance advocate, took charge of the Chicago work. He says that Dr. Davis regarded Lincoln at that time as a sort of political mountebank, and would not engage in the prohibition crusade until he was assured that Lincoln was not to dominate. Mr. Merwin says that William B. Ogden, also a strong temperance advocate, president of the Chicago & Northwestern Railway and former mayor of Chicago, started the subscription list for the prosecution of the work with twenty-five hundred dollars on the express condition that Lincoln should guide the campaign. Lincoln therefore had a double reason at the inception of the campaign for not assuming a spectacular prominence in the work. He was his party's choice for United States senator, and the Chicago temperance men led by Dr. Davis, on account of Dr. Davis's personal prejudice, were somewhat hostile toward him. Merwin always asserted that Lincoln was the brains of the movement, and that on Lincoln's direction he carried the text of the proposed Law, before introduction, to Lincoln's lawyer friends for them to pass judgment upon it.

In addition to the referendum clause, the first instance, it is said, that an important State-wide

law in Illinois carried such a submission feature, the act contained a clause which indicates that its framer aimed to make the wife, or the widowed mother of a drunkard's sons, a material witness, for it says:

"Section 38. Any married woman who shall complain that liquor has been sold to her husband contrary to law, or any widow who shall complain that liquor has been sold to her son or sons contrary to law, may in the stead or place of the two residents required by Section 12 of that Act make the complaint mentioned in Section 12, or any other section of this Act, and may institute and carry on any prosecution provided by this Act."

This suggests that Mr. Lincoln, from his experience as a lawyer, recognized the fact that the home as well as the addict was entitled to more adequate protection, and his Law provided that the word of the wife or widow might be accepted as of equal value with the word of two ordinary witnesses.

CHAPTER XV

PRESS COMMENTS ON THE DRY LAW

THE record in the Chicago daily newspapers of the progress of the so-called Maine Law, through the debating period until its final passage through both Houses, is amply sufficient to show that this piece of temperance legislation engrossed the attention of the lawmakers at Springfield as hardly anything else during the session of 1855.

The Springfield correspondent of the Chicago *Daily Press* of December 30, 1854, writes this paragraph with reference to the observance of the temperance law in Springfield at that time:

"Most important of all recent improvements is the entire suppression of the open liquor traffic. An acquaintance of mine has been very constantly employed for the last two days in a fruitless search for a glass of ale."

Under date of January 4, 1855, the same correspondent writes from Springfield to the same paper:

"It is confidently believed here that the Maine Law will be enacted at the present session."

The issue of this paper of January 5 carries a half-column editorial praising the Rev. J. V. Wat-

son, editor of the *Northwestern Christian Advocate*. This is the same gentleman who, according to the affidavit of Major Merwin, was present at the time when Abraham Lincoln presented the gold watch to Mr. Merwin for his services in connection with the propaganda work of the Maine Law Alliance.¹

Under date of January 5, the correspondent, writing of the legislative doings in Springfield, says: "Logan [doubtless referring to Mr. Lincoln's one-time law partner, Stephen Logan] introduced a bill to repeal the laws authorizing the granting of licenses."

January 6—"Logan's bill was up for debate. This act paves the way for a stringent law which is to follow."

January 16—"The Maine Law Alliance is now in daily session [in Springfield]."

January 20—The same correspondent tells of the debate on the Maine Law bill, starting at two o'clock in the afternoon and continuing until eleven at night, with the legislative chamber and corridors packed as he never saw them before. "I am informed," writes the correspondent, "that Judge Logan had most to do in giving legal shape to the bill."

The bill was passed at eleven o'clock after a stormy debate.

Ayes—Allen of Madison, Babcock, Bennett, Boal, Brown of Knox, Cline, Courtney, Day, Dig-

¹See note, p. 86.

gins, Dunlop, Foss, Foster, Grove, Hackney, Henry, Henderson, Hills, Johns, Lawrence, Lee, Little, Logan, Lovejoy, Lyman, McClure, McClun, McClain, Moulton, Parks of Logan, Parks of Will, Patten, Pinckney, Richmond of Cook, Riblatt, Rice, Sargeant, Straun, Sullivan, Swan, Turner, Waters, Wheeler—42.

Noes—Allen of Williamson, Bradford, Brown of Scott, Dearborn, Gray, Gregg, Heath, Highie, Hinch, Hosmer, Hopkins, Holiday, Kinney, Martin, McDaniel, Morrison, Preston, Pursely, Rawlings, Richmond of Montgomery, Richmond of Schuyler, Sams, Seeborn, Towner, Trapp, Walker—26.

The same correspondent's dispatch on February 2 records that there were petitions presented in the Senate and House in favor of the Maine Law.

February 9—The Prohibition bill was taken up in the Senate, discussed and passed with a vote of 17 ayes and 7 noes.

Although the passage of the Maine Law had been the uppermost topic during the session, as soon as the decisive votes were taken it became a secondary topic of interest. Almost immediately the senatorial contest resulting in election of Lyman Trumbull crowded other news into the background.

The Chicago *Daily Press* on March 7 began the publication of the new Prohibition Law, carrying it in four daily installments.

On June 4 the same paper carried a news article

about a prohibition rally in the city of Chicago on June 2 in which three thousand children took part with the weather ten degrees above freezing. The banners and slogans displayed in the street parades were strikingly similar to those used by the temperance people in later years. This demonstration was almost immediately prior to the referendum vote taken throughout the State on the adoption of the Prohibition Law. Chicago city voted against prohibition by a vote of 3,864 against, to 2,795 for.

The comment of the daily papers of Chicago on the election and its results seemed to sustain the contention of Major Merwin that the temperance people were robbed of an honest victory through gross fraud. The *Chicago Daily Press* of June 6 says: "The 7th Ward gave 759 against, and only 84 for prohibition. At the last municipal election this ward polled 593 votes, being 333 less than was polled there on Monday." The same paper enters into an analysis of the vote in various wards in the city where the brewers were in almost undisputed control, quoting figures to show that the ballot boxes probably had been stuffed.

This same newspaper in an editorial on June 9, conceding the defeat of prohibition, closed with this prophecy: "Their [the prohibitionists'] triumph, though delayed for a time, must be certain."

A recently published letter written by Abraham Lincoln to Norman B. Judd presents clear proof

that the "powers of darkness" which Lincoln opposed maintained supremacy through the illegal use of the ballot. Lincoln and his friends battling for prohibition encountered the liquor business in 1855, and the liquor men won. With a recollection of this same kind of fraud, Lincoln in the 1858 campaign for the United States senatorship, writes as follows to his friend Judd:

ASHVILLE, Oct. 20, 1858.

Hon. N. B. Judd,

My Dear Sir: I now have a high degree of confidence that we shall succeed, if we are not overrun with fraudulent votes to a greater extent than usual. On alighting from the cars and walking the square at Naples on Monday, I met about fifteen Celtic gentlemen, with black carpet sacks in their hands.

I learned that they had crossed over from the railroad in Brown County, but where they were going no one could tell. They dropped in about the doggeries, and were still hanging about them when I left. At Brown County yesterday I was told that about four hundred of the same sort were to be brought into Schuyler, before the election, to work on some new railroad, but on reaching here I find Bagby thinks that is not so. What I most dread is that they will introduce into the doubtful districts numbers of men who are legal voters in all respects except residence, and who will swear to residence, and thus put it beyond our power to exclude them. They can and I fear will swear falsely on that point, because they know that it is next to impossible to convict them of perjury upon it.

Now the great reassuring fact of the campaign is finding a way to head this thing off. Can it be done at all?

I have a bare suggestion. When there is a known body of these voters, could not a true man of the "detective" class, be introduced among them in disguise, who could, at the nick of time, control their votes? Think this over. It would be a great thing, when this trick is attempted upon us, to have the saddle come up on the other horse.

I have talked more fully than I can write, to Mr. Scripps, and he will talk to you.

If we can head off the fraudulent votes we shall carry the day.

Yours as ever,

A. LINCOLN.

CHAPTER XVI

ILLINOIS DRY LAW, FEBRUARY 12, 1855

THE campaign for the passage of the Illinois prohibition law, like the Maine Law, was waged for months previous to its passage. Both the Senate and the Legislature which met in January, 1855, were dry, being controlled by the Republicans and Whigs. Probably by consent of the leaders, containing many of Lincoln's personal friends, and his former law partner, Judge Stephen T. Logan, the prohibition measure, containing a submission, or referendum clause, was disposed of first. It was passed by the Legislature on January 20, 1855, by a vote of 42 to 26, and by the Senate on February 9, by a vote of 17 to 7. As soon as the lower house had passed it, its ultimate passage was assured. It was signed on Lincoln's birthday, February 12, 1855. It failed of final enactment at the referendum election on June 4, 1855, by a vote of 93,102 against, to 79,010 for.

As elsewhere set forth, the supporters of the measure doubtless would have prevailed if they had received a "square deal."

The passage of the bill by the Legislature and its enactment through the signature of Governor

Matteson afforded an interim of several months for a campaign throughout the State for its adoption. Lincoln, on February 8, 1855, had been defeated by Lyman Trumbull for the United States senatorship. He now was free to assist the temperance forces.

With great shrewdness Lincoln and those who collaborated with him in framing the Law, incorporated a section providing for the printing in pamphlet form of fifty thousand copies of the Act immediately after the adjournment of the Legislature, and the sending of five hundred copies to each county in the State for general distribution. It was the proper distribution of these pamphlets that took Merwin, who was the corresponding secretary of the Illinois State Maine Alliance, around the State, and Lincoln accompanied him to many of the county seats.

Stephen A. Douglas, who three years later defeated Lincoln for the United States Senate following their joint debates over the extension of slavery, doubtless caused the defeat of the prohibition measure. At that time he had a stronger political following than had Lincoln. A. J. Baber, banker of Paris, Illinois, writing under date of January 14, 1914, to Dr. John G. Woolley, says:

"Politics never entered the question until Stephen A. Douglas came out in a great speech in the northwestern part of the State and told the people to bury 'Maine Lawism' and 'Abolitionism' all in the same grave. Then the Democrats

knew what to do. They went in with a whoop against prohibition, and the Whigs and Republicans were mostly for prohibition."

In his letter to John G. Woolley printed in *The New Republic*, a temperance journal edited by William E. ("Pussyfoot") Johnson, in 1914, Mr. Baber corroborates the contention of James B. Merwin that Abraham Lincoln spoke in support of the 1855 Illinois prohibition law. Mr. Baber says:

"I don't know how often Mr. Lincoln spoke, but I will call your attention to one time. While at court session in 1855 my business called me to Paris (Ill.), and I saw Lincoln, Ficklin, Linder and Judge Harlan sitting in the shade of the Paris House, and I went to where they were. Becoming acquainted with all of them, they invited me to sit down. I did so, and very soon Lincoln spoke up and said that Colonel Baldwin had invited him to come to his place and make a temperance speech, and it was about time he was going. Linder and Ficklin opposed his going—rather made sport of him, and Harlan said: 'Let him go. He will prove to the people that they have some rights besides what is in a jug.' Baldwin was to come after Lincoln, and didn't come in time, and Lincoln started afoot and walked to the place of speaking, six miles out. Lincoln expected to meet Baldwin coming, but Baldwin came another road, and he missed him. It was a hot day, and Lincoln wore a long linen duster, and made the trip just

to make a temperance speech—walked six miles on a hot day.”

This corroborative evidence by Mr. Baber, an entirely competent and conservative man, that Lincoln campaigned for the dry law in the summer of 1855, although he was supposed to be so much engrossed with the anti-slavery agitation as not to be able to do so, and the further fact that Stephen A. Douglas threw his power against the prohibition law, is of more than passing interest. Both incidents are exactly in harmony with the life practices and professed principles of the two men—Lincoln believing that a moral idea was the mightiest thing beneath the throne of God, and Douglas not caring whether it was or not.

CHAPTER XVII

COLD WATER ONLY AT SPRINGFIELD NOTIFICATION

LINCOLN'S adherence to total abstinence was impressively illustrated at his home in Springfield following his nomination for President when the committee on notification, headed by Mr. Ashmun, waited upon him. Charles Carleton Coffin, journalist and historian, was in the party. After the formalities were over with, Mr. Lincoln said:

"Mrs. Lincoln will be pleased to see you in the other room, gentlemen. You will be thirsty after your long journey. You will find something refreshing in the library."

There were drinking men in the delegation, and what they expected to find in the other room to allay thirst may be imagined. The only liquid at their disposal was a pitcher of cold water—no wines or liquors. The night before neighbors of the Lincolns had called on them and suggested that the visiting delegation would need some refreshment, wines or liquors.

"I haven't any in the house," said Mr. Lincoln.

"We will furnish them," said one of the callers.

"Gentlemen," said Mr. Lincoln, "I cannot allow you to do what I will not do myself."

That was not the end of it. Democratic citizens of Springfield, thinking that their city had been highly honored by the nomination, sent over some baskets of champagne. Mr. Lincoln sent them back, thanking them for their intended kindness.

CHAPTER XVIII

THE PROHIBITION WATCH

AFTER the prohibition campaign was over, and before James B. Merwin left the State to go to Michigan to do temperance work, Mr. Lincoln, after conference with others interested in temperance, got up a purse, bought a handsome gold watch and chain, and after writing an inscription which was engraved on the inside case, presented it to Merwin in the office of the *Northwestern Christian Advocate*, in the presence of the editor, J. V. Watson, and others. The inscription in the watch reads:

“Presented by the friends of temperance in Chicago to J. B. Merwin, Corresponding Secretary of the Illinois State Maine Law Alliance, as a token of their confidence and regard for his untiring energy and perseverance in the campaign of 1855 for Prohibition.”

Below these lines appear the words: “Inscription written by Abraham Lincoln.”

Mr. Merwin made the following affidavit October 12, 1916:

“The aforesaid watch was presented to me in the year 1855, the presentation taking place in the editorial rooms of the *Northwestern Christian*

Advocate, there being present at the time the editor of the *Advocate*, J. V. Watson, Abraham Lincoln,¹ and others interested in the cause of State prohibition at that time. Abraham Lincoln was a contributor to the fund for the purchase of the watch, and wrote the watch inscription incorporated in this deposition.

"Abraham Lincoln had been associated with me in campaigning for more than six months, and without solicitation or prompting on the part of anyone, and wholly, as I believe, from personal regard, wrote the inscription already referred to."

This affidavit, duly signed and witnessed, is in possession of the writer.

New York watch experts have valued the watch as having cost between two hundred and three hundred dollars when it was bought new in the fifties. Merwin carried the timepiece all of his life. He said that he once dropped it in a mudhole during the war, but that it was recovered by a negro, who was paid twenty-five dollars to walk around in the mudhole in his bare feet until he found it. The watch, at last accounts, was the property of the grandson of Lyman A. Mills, of Middlefield, Connecticut, whose wife is a younger sister of the late Mrs. J. B. Merwin.

¹ The files of the *Northwestern Christian Advocate* corroborate this incident except as to the presence of Mr. Lincoln.



JAMES B. MERWIN'S PROHIBITION WATCH

CHAPTER XIX

ABOUT CHAPLAIN JAMES B. MERWIN AND LINCOLN

THE Rev. James B. Merwin, whose labors and documents form an impressive link connecting Abraham Lincoln with aggressive interest in the suppression of intemperance and the passage of a prohibition State law in Illinois in 1855, was born in Cairo, Greene County, New York, in 1829.

Merwin prepared for Amherst College at the Brookfield Academy in Connecticut. He became the editor of a temperance paper called *The Fountain* in the city of Hartford. He was appointed the corresponding secretary of the Connecticut Temperance Society early in the fifties, and with others made a successful fight for State-wide prohibition in Connecticut, following the prohibition victory in Maine in 1851. After the Civil-War period he settled in Saint Louis, where for twenty years he was the publisher of the *American Journal of Education*. He died in Brooklyn on April 3, 1917, and was buried at New Britain, Connecticut, with military honors by a local Grand Army post. He is spoken of by those who knew him well and heard him as a most effective and eloquent temperance worker and lecturer on temperance, also frequently lecturing on Shakespeare.

The temperance history of the period shows that in nearly all of the Northern States the anti-liquor people waged campaigns for the passage of prohibition laws like the Maine Law. The temperance people in Illinois sent for Merwin to take up the work there. His own narrative, given elsewhere, tells of the beginning of his association with Abraham Lincoln, who addressed a temperance gathering in the State House the night of Merwin's arrival in Springfield.

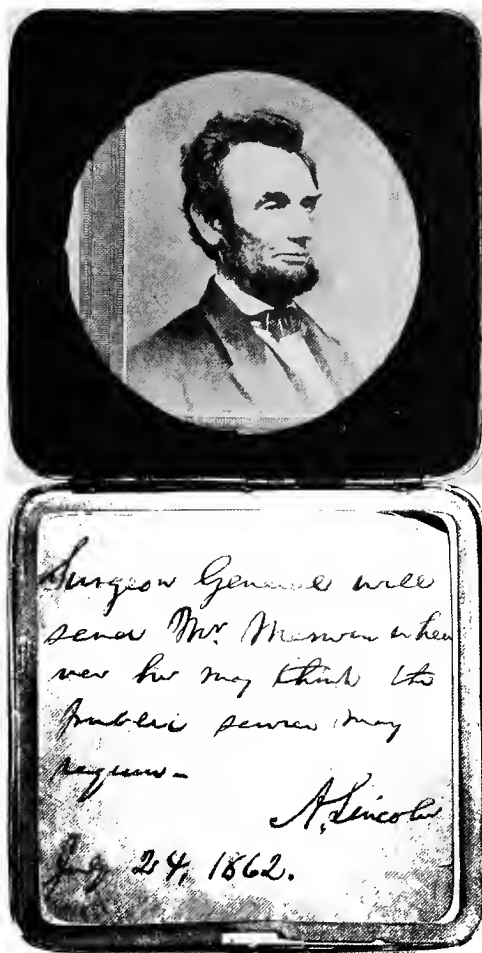
After the defeat of the prohibition law in Illinois in the referendum election in June, 1855, Merwin went to Michigan and other points, where he busied himself with temperance agitation until the breaking out of the Civil War. The record shows that he was regularly ordained as a Congregational clergyman, and the documentary proof is unassailable that President Lincoln, on his own initiative, directed him to make temperance addresses to the soldiers. In order to facilitate this work President Lincoln wrote for him a special pass, which is of exceeding interest on account of its peculiarity. It reads as follows:

Surgeon-General will send Mr. Merwin wherever he may think the public service may require.

July 24, 1862.

A. LINCOLN.

The pass is peculiar in that in writing it President Lincoln had to make the five lines fit the space on the inside of an old-fashioned daguerreotype case. Mr. Merwin says that the President



JAMES B. MERWIN'S ARMY PASS
WRITTEN BY LINCOLN

70

1870

1870

1870

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1870

prepared this pass with his own hand, and on his own initiative. This pass is owned by the writer of this volume.

The preparation of Merwin's pass was subsequent to an ineffectual effort on the part of the President and friends of Merwin to have Merwin commissioned a major of volunteers, under instruction to do temperance work among the soldiers in the army. The frustration of the efforts to have Merwin appointed a major affords a most interesting side-light on Lincoln's determination to have temperance work done among the soldiers, the support of the idea by the most powerful men close to Lincoln in the Senate and House, and the obstacles put in the way of the carrying out of the idea by the War Department.

As indicated by the documents, facsimiles of which are given, the plan to install Merwin as a temperance worker in the army started on the suggestion of the President himself by the signing of a memorial setting forth the desirability of having the work done. This memorial was signed by President Lincoln's most stalwart supporters. The mere mention of these names in connection with the plan is of significance as supporting Merwin's repeated contention that President Lincoln sustained him during the war period in his temperance work. The memorial apparently was written either by Charles Sumner or Governor William A. Buckingham of Connecticut.

On the back of this memorial, most of which

document is in the possession of the writer, are the following indorsements:

If it be ascertained at the War Department that the President has legal authority to make an appointment such as is asked within, and Gen. Scott is of opinion it will be available for good, then let it be done.

July 17, 1861.

A. LINCOLN.

I esteem the mission of Mr. Merwin to the Army a happy circumstance, and request all commanders to give him free access to all of our camps and posts and also to multiply occasions to enable him to address our officers and men.

Signed

July 24, 1861.

WINFIELD SCOTT.

DEPARTMENT OF VIRGINIA.

The mission of Mr. Merwin will be of great benefit to the troops, and I will furnish him with every facility to address the troops under my command. I hope the General commanding the army will give him such official position as Mr. Merwin may desire to carry out his object.

B. F. BUTLER,

Major-General Commanding.

August 8, 1861.

This document, carrying in order the Lincoln, Scott, and Butler recommendations, was sent to the War Department. According to Mr. Merwin, the officials there "lost" it, and it was not "found" again until President Lincoln himself sent a sharp note to the War Department asking for its return. Merwin was not appointed a major of volunteers, the War Department officials objecting on the

Aug 17. 1861 Lincoln

I esteem the opinion
of Mr. Merwin on this
subject a happy cir-
cumstance, & request
all commanders to
give him free access
to all of our camps
& posts & also to mul-
tiple

lively occasions to enable him to address our officers & men

Winfield Scott.

July 24, 1865.

Depend on me
The meeting Mr. Harris
will be, ~~at 10 o'clock~~
~~and~~ of great benefit to the
cause. And I will, I might
be sure, very gladly
to address the ladies under
his auspices. I hope the
next time I see the ladies
will give them such
effective position as Mr.
Harris has given to
Curry and myself.

Aug 8th 1861 J. F. M. R.

Spring Green

15

LINCOLN AND GENERALS SCOTT AND BUTLER PETITION TO
 HAVE JAMES B. MERWIN DESIGNATED AS A TEMPERANCE
 WORKER IN THE ARMY

(Plate A)

ground that Merwin was merely a clergyman, that he was lame, and that it would be subversive of discipline and correct administration to make him a major. Lincoln and Merwin did not abandon their idea, however, for Merwin later was appointed a chaplain of volunteers and assigned to duty under Surgeon-General William A. Hammond and C. McDougall. General McDougall, who was medical director of the Department of the East, with headquarters in New York city, writing under date of January 8, 1863, to Senator James Harlan says:

"Mr. Merwin has been my invaluable cooperator in the good work in the Department of New York and it is not necessary to tell you what a worker he is—his services are known to the whole Army."

The petition for placing Chaplain Merwin where he could do temperance work among the soldiers, President Lincoln's plan, deserves more than passing mention because of the character and standing of the signers. Students of Civil-War history cannot but be impressed by the prominence of the men who sponsored Merwin. Charles Sumner and Henry Wilson were United States senators from Massachusetts; James R. Doolittle and Timothy O. Howe were United States senators from Wisconsin; Lyman Trumbull and O. H. Browning were the senators from Illinois, and close to the President; Isaac N. Arnold, representative from Illinois, was a close personal friend of Lincoln, served in the House

with him, and afterward was his biographer; David Wilmot, author of the notable Wilmot Proviso, was senator from Pennsylvania; James Harlan and James W. Grimes were senators from Iowa. Senator Harlan was father-in-law of Robert T. Lincoln, the surviving son of President Lincoln. Thomas A. Hicks was governor of Maryland; Alexander Ramsey was governor of Minnesota; Samuel Kirkwood was governor of Iowa; W. A. Buckingham, who with Charles Sumner drafted the memorial to Lincoln, asking for the appointment of Merwin, was governor of Connecticut. Austin Blair was governor of Michigan; Zachariah Chandler was senator from Michigan; James Dixon was senator from Connecticut; Richard Yates was governor of Illinois; J. L. Scripps was postmaster of Chicago, and founder of the *Press-Tribune*; Thomas H. Drummond was judge of the United States District Court; Alex W. Randall was governor of Wisconsin; A. B. Palmer was surgeon of the 2nd Michigan Volunteers and professor of medicine in the University of Michigan. All of these men were outstanding political and social figures at the time, and strong supporters of President Lincoln. Their signatures on Merwin's petition prove that there was a carefully thought-out plan to have temperance work done among the soldiers.

The autograph indorsement of Merwin by General John A. Dix, and the official pass for Merwin and driver to pass the lines, are self-explanatory.

It takes great pleasure in recommending the
appointment of Mr. J. B. Merwin to some
position which will enable him to carry on
his work of promoting temperance among the
troops, beginning as I do, the use of spirit-
uous liquors, as the curse of the service.

~~John A. Dix~~
May, 1861.

Oct 12th 1861

GENERAL JOHN A. DIX'S INDORSEMENT OF MERWIN AND HIS WORK

CHAPTER XX

LINCOLN AND GENERAL GRANT'S LIQUOR DRINKING

THE liquor interests capitalized to the fullest a humorous utterance attributed to Lincoln with reference to General Grant's well-known use of ardent spirits. When just before the fall of Vicksburg, a certain committee urged Lincoln to remove Grant because he drank too much whisky, Lincoln is said to have replied: "If I knew where Grant gets his whisky, I would send a barrel of it to every general in the field." If Lincoln ever said it at all, he said it to stop the mouths of over-zealous men who utterly failed to appreciate that the great task of the hour was the preservation of the Union through the defeat of the Confederates at Vicksburg and elsewhere. Lincoln trusted Grant, and his confidence was beautifully justified. It would seem from the record that General Grant, following his reproof at the hands of General Rawlins, his chief-of-staff, never allowed his personal habits to interfere with an efficient discharge of his duties. The "patness" of the rejoinder to Grant's critics under the circumstances made it one of the most famous of all the quips attributed to Lincoln, but no reasonable mind can hold it to be other than a jest.

President Lincoln's solicitude about the danger arising from indulgence in alcoholic beverages in the army was a matter of common knowledge among those familiar with the inside workings of the government during the war. The imminent danger of disaster from a mistake in judgment due to temporary disability seemed to haunt President Lincoln. That his fears were well grounded is shown in the most vivid colors by a letter which General John A. Rawlins wrote to General Grant and which may be read in General J. H. Wilson's life of Rawlins.

Subsequent history demonstrated that President Lincoln's trust in General Grant was not misplaced. General Grant in his *Memoirs* speaks in the highest terms of General Rawlins. "He was," writes General Grant, "an able man, possessed of great firmness, and could say 'no' so emphatically to a request which he thought should not be granted that the person he was addressing would understand at once that there was no use of pressing the matter. General Rawlins was a very useful officer in other ways than this. I became very much attached to him. Rawlins remained with me as long as he lived, and rose from the rank of brigadier-general to chief of staff to the general of the Army—an office created for him before the war closed."

CHAPTER XXI

"ALCOHOL THE ARMY CURSE"

PRESIDENT LINCOLN and Secretary of War Stanton, in addition to the natural burden of directing a great war, were compelled to combat the liquor dealers, the gamblers, and the keepers of disorderly houses. They were a menace and a hindrance during the entire war, adding immeasurably to the ineffectiveness of officers and men. Excessive indulgence in alcoholic beverages was manifest on every side in the city of Washington. Drinking resorts, disguised and undisguised, were everywhere. Old street corners and vacant lots were occupied by bars, around which lay the intoxicated soldiers and artisans. In the suburbs, under the shadow of hospitals and alongside camps, saloons and booths operated until it was estimated by General L. C. Baker, provost marshal of the War Department, and later chief of the United States Secret Service, that three thousand, seven hundred liquor dispensing places were in operation in and around Washington in midsummer, 1863. At that time Washington had a population of about seventy-five thousand. On the eve of an important battle, when it was necessary to dispatch to the front on an hour's notice a train of one hundred wagons, not five government

teamsters were sufficiently sober to do their work. General Baker reported that nineteen out of every twenty crimes committed by soldiers and government employees were directly traceable to the rum holes, saloons and restaurants, cake shops and hotel bars. General Baker reported in September, 1863, to Secretary Stanton that in one instance where, under his orders, saloons adjacent to the Quartermaster's Department had demoralized the entire neighborhood, and where he had seized the liquor stocks and broken up the business, more than one hundred government employees, deprived of drink, banded together and started a riot, which was suppressed only by the arrest of the rioters by armed soldiers.

General Baker has this to say in a chapter entitled "Alcohol the Army Curse":

"Could the people have seen what I have known, that important battles have been lost to the Union cause, and ranks of heroic men slain, through the maddening or stupefying effect of liquors, they would cease to wonder that defeat not unfrequently saddened their hearts, when victory was confidently and justly anticipated. On fields covered with our slain, might have been thrown out the black flag of intemperance, the single sign of the useless slaughter. To mention the names of some who were conquered by the rebels because first overcome by the demon who enslaves soul and body, would thrill and grieve every loyal heart.

"Nothing in the conduct of the war pained more

deeply, even to tears, our departed President [Lincoln] than this very practice. He once remarked, in my hearing, to the secretary of war, of a great commander: 'Of General —— I have but a single fear. I look upon him as the best fighting officer we have in the army to-day. If he can restrain his appetite for intoxicating drinks, he is bound to succeed.' We could fill pages upon this melancholy topic.

"To no member of the Cabinet was this condition of things better known and understood than to the secretary of war; and no single subject in his department received more careful thought, to reach the evil and the adoption of some plan to prevent the shipment of the fire-water to the army. In his official orders the severest penalties were imposed on their violation."

The defeat of the Union army at Chancellorsville was an appalling blow to President Lincoln, his Cabinet, and the North. Secretary of the Navy Gideon Welles, in his exhaustive *Diary*, made this record at the time:

"The sudden paralysis that followed when the army, in the midst of a successful career, was suddenly checked and commenced its retreat, has never been explained. Whisky is said by Sumner to have done the work. The President said that if Hooker had been killed by the shock which knocked over the pillar that stunned him, we would have been successful. The news of the reverse was a shock to the President."

Noah Brooks, who was waiting in the White House at the time to see the President, says:

"The President seemed stunned. Taking the dispatch in his hand, he passed into another room in the White House, where were two of his intimate friends who had been with him during the recent inspection of the army, and handing it to one of them he said by a motion of his lips, 'Read it.' It was read aloud, and Lincoln, his face ashy gray in hue and his eyes streaming with tears, finally ejaculated: 'My God! My God! what will the country say? What will the country say?' He refused to be comforted, for his grief was great."

Writing in 1867, after a period of reflection, General Baker makes this comment:

"The alarming increase of intemperance, the stupendous frauds and bank robberies of late, never so bold and startling in this country as since the Rebellion, are a legitimate outgrowth in time of peace of those loose principles and practices which, during the conflict, were common in the highest places of power and responsibility; and were to a great extent, as already intimated, the natural effects of the demoralizing influences of the war."

CHAPTER XXII

TEMPERANCE AND DISCIPLINE IN THE RANKS

THE *New York Evening Post*, of May 22, 1862, took note of the activity of James B. Merwin as a temperance worker in the army. The regular correspondent of that paper, under date of May 21, writes:

"Some facts published by the House from the Military Committee show that many of our highest officers are very favorable to temperance in the army. Mr. J. B. Merwin went into the army to lecture to the soldiers. General Scott gave him the following written introduction and indorsement, 'I esteem the mission of Mr. Merwin to the army a happy circumstance, and request all commanders to give him free access to all of our camps and posts, and also to multiply occasions to enable him to address our officers and men.'

"This is important evidence from the greatest soldier of the country, upon a mooted subject—whether lectures, speeches, or concerts have any proper place in the army. Nearly all the regular army officers contended last winter, when the Hutchinsons (singers) were here, that it was grossly improper for any lecturer or singer to

have contact with the troops. The regular chaplain might preach and pray on Sunday, but then he should confine himself strictly to religious subjects. General Scott thought differently. He repeatedly said last summer and autumn that 'the American soldier in a volunteer war like this could not be treated like the soldier of European armies, for he is an intelligent being.' General Butler said: 'The mission of Mr. Merwin will be of great benefit to the troops.' General Dix approved this, adding, 'The use of intoxicating drinks as a beverage is the curse of the service.'"

The orders controlling the American army in the great World War with reference to total abstinence and entertainment prove that Lincoln and Scott in their day were advanced thinkers. But it was Lincoln who took the initiative!

CHAPTER XXIII

LINCOLN ACCEPTED INTERNAL REVENUE ACT AS WAR MEASURE

THERE is an inherent probability that President Lincoln signed the Internal Revenue Act of 1862, under which the liquor interests stayed intrenched until 1918, with the greatest reluctance. The Congressional Record for the month of May, 1862, gives the debates in the Senate over the adoption of the act. Secretary of the Treasury Chase and Senator Fessenden, of Maine, urged the passage of the act solely on the grounds of war exigency—the government needing the money to prosecute the war. Senator Henry Wilson, of Massachusetts, himself the son of a drunkard of Natick, Massachusetts, battled strenuously against the passage of the act. He was aided by Wilmot, of Pennsylvania; Pomeroy, of Kansas; Harris, of New York; and Wright, of New Jersey. After worriment and agitation, induced by pressure from members of his Cabinet who saw no other way of helping out the treasury, Lincoln accepted the measure, with the remark to Secretary Chase, Senator Wilson, and Merwin, “As soon as the exigencies shall pass away I shall turn my attention to the repeal of that document.”

Merwin at this time was in a position to testify convincingly of the President's mental attitude toward this piece of legislation. The President and Generals Scott and Butler had equipped him with the necessary orders for carrying on his temperance work among the soldiers, and a few days afterward the President, as before stated, wrote a special pass for him, enabling him to carry on his mission, under formidable natural handicaps.



CHAPLAIN JAMES B. MERWIN

Cordially
J. B. Merwin
" " "

CHAPTER XXIV

LINCOLN'S LAST UTTERANCE ON TEMPERANCE

PRESIDENT LINCOLN'S last utterance on temperance seems to have been to Chaplain Merwin on the early afternoon of the day he was assassinated. Merwin, who, as shown by documentary proof, had worked during the war under the direction of the President combating intemperance among the soldiers, was carrying an important message for him to Colonel Alexander K. McClure, of the *Philadelphia Times*, and Horace Greeley, of the *New York Tribune*, with reference to General Butler's proposal to employ colored soldiers in constructing a Panama Canal. As Merwin was leaving, the President said :

"Merwin, with the help of the people, we have cleaned up a colossal job. Slavery is abolished. After reconstruction, the next great question will be the overthrow and abolition of the liquor traffic; and you know, Merwin, that my head and my heart and my hand and my purse will go into that work. Less than a quarter of a century ago I predicted that the time would come when there would be neither a slave nor a drunkard in the land. I have lived to see, thank God, one of those prophecies fulfilled. I hope to see the other realized."

CHAPTER XXV

LINCOLN'S ASSASSINS A DRINKING SET

THE official record of the assassination of President Lincoln and the trial of the conspirators indicates beyond reasonable doubt that the conspirators, with the exception of two or three, were addicted to the use of alcoholic beverages. Dr. Samuel A. Mudd seems to have been a little less disreputable than the others, but taken together they were entirely harmonious in their infamy. Mrs. Mary E. Surratt was the proprietor of a country tavern frequented by Confederate spies near Washington. Liquor was abundant at every step of the plot for the killing of the President. Mrs. Surratt also had a house in Washington, and the frequenters of the country tavern made her Washington house their rendezvous when they were in the capital, which was frequently. John Wilkes Booth, the arch assassin, stimulated himself with liquor shortly before he fired the fatal shot. Herold, Payne, Atzerodt, Spangler, Arnold, O'Laughlin, and Mrs. Surratt were of the same moral stripe. The "hangout" in Surrattsville, in the country, was no cleaner than the one in Washington, and both were foul. The plotters against the life of Lincoln sustained their

respective parts in a general plan which included in its varied phases the assassination of Secretary of State Seward; the abduction of President Lincoln and his Cabinet; the murder of the President by presents of infected clothing; the introduction of pestilence into Northern cities by clothing infected with yellow fever and smallpox; attempted burning of New York and other Northern cities; poisoning the water of Croton reservoir, New York; raid on Saint Albans, Vermont; contemplated raids on Buffalo, Ogdensburg, etc., and the burning of steamboats, on Western rivers, government warehouses, hospitals, etc. . Booth, soaked with rum, went through with his part. The vigilance of the government prevented a general consummation.

CHAPTER XXVI

LINCOLN'S SECRETIVENESS AND CAUTION

THE answer to the natural query, Why did not Nicolay and Hay in their exhaustive life of Lincoln give due prominence to his temperance activities in 1855, when he drafted the Illinois dry law? is that neither Nicolay nor Hay considered them of great importance. They wrote him down as a total abstainer and a friend of temperance, and they let it go at that. That fact was generally known. James B. Merwin offered them data concerning Lincoln's efforts in 1855 in behalf of the Illinois dry law, but they did not seem to want it. Lincoln never really confided in Nicolay. The latter knew all about Lincoln as President, but little about Lincoln as a man.

Lincoln's partner, Herndon, in analyzing the character of his long-time law partner, says: "Mr. Lincoln never had a confidant, and therefore never unbosomed himself to others. He never spoke of his trials to me, or so far as I know, to any of his friends."

Judge David Davis, who presided on the circuit in Illinois which Lincoln and others "rode," says: "I knew the man so well; he was the most

reticent, secretive man I ever saw or expect to see."

Leonard Swett is well known to have been the one whose counsels were the most welcome to Lincoln, and who doubtless did counsel him with more freedom than any other man. Swett says: "From the commencement of his life to its close I have sometimes doubted whether he ever asked anybody's advice about anything. He would listen to everybody; he would hear everybody; but he rarely, if ever, asked for opinions. Beneath a smooth surface of candor and apparent declaration of all his thoughts and feelings he exercised the most exalted tact and wisest discrimination. He handled and moved men remotely as we do pieces upon a chessboard. He always told only enough of his plans and purposes to induce the belief that he had communicated all; yet he reserved enough to have communicated nothing."

No biographer has made a "clean sweep" of the information concerning this many-sided man. Two or three years ago Gilbert A. Tracy published a good-sized volume of the uncollected letters of Lincoln. Many of them are of great historical importance. Nicolay and Hay and the earlier biographers had no knowledge of these letters. There are still many Lincoln letters which never have been printed. James B. Merwin was the man in surest position to know whether Lincoln drafted the Illinois 1855 dry law. He asserted time and again on the lecture platform that Lin-

coln did draft it. Lincoln trusted and confided in Merwin "only to the extent necessary to make that trust available." The Illinois dry law was the business in hand. As already set forth, the Legislature, controlled by Lincoln and his friends, passed the law. Lincoln's political acumen told him that the law would fail in the referendum. He was not ready at that time to father the movement, although he was the paid counsel for it. Neither was he at that time ready to take a stand for the abolition of slavery, as advocated by the radicals. "He never stepped too soon, and he never stepped too late." At all times he was against liquor as a beverage, but he was open-minded with reference to the best method to destroy the traffic.

CHAPTER XXVII

CROOKED ELECTIONS FOR FIFTY YEARS

THERE is a natural hesitancy on the part of truth-loving people to cry "Fraud" in the absence of proof of fraud. Lincoln's reference to crooked elections in his letter to N. B. Judd (Chapter XV) deserves greater emphasis. The ballot-box stuffer, repeater, and false registrant have indulged their remunerative propensity with surprising assiduity—and are still at it. Comment on the evil might be uncalled for in writing about Lincoln and prohibition, but for the fact that the liquor interests for two generations have had what perhaps may be called a proprietary interest in this treasonable, deliberate, and studied fraud. There has not been a fraud-free election in the city and State of New York since the Civil War, despite painstaking efforts to safeguard the ballot. Again and again the forces standing for law and order have been deprived of legitimate victory through crooked elections. Frequently they have triumphed despite the handicap. In the city of New York, to the personal knowledge of the writer, the liquor and allied interests for at least twenty-five years, have fostered—subsidized—the human agencies which have perpetuated and in-

trenched this fraud. Governors and Supreme Court judges have been the beneficiaries of the system, serving out their terms, many of them throwing their influence against organized effort to abate the evil. In all this nefarious history, the nursery, the hot-bed, the sprouting establishment, has been the liquor and allied businesses. The saloon has been the rendezvous of the election crook. In the saloon for two generations he has been schooled, equipped, commissioned and paid for his felonies. The "doggeries" seen in Naples, Illinois, in 1858 by the keen-eyed Lincoln were no different in their atmosphere and output than the "doggeries" in New York city. They were actively hostile toward honest government in 1858 in Illinois, and they did not change their spots or stripes, West or East, for two generations.

When Lincoln battled on the Illinois prairies against slavery and rum, he battled against a similar thing in the New York Bowery. With the advent of prohibition and universal suffrage there is the beginning of the fulfillment of Lincoln's 1842 prophecy of a day when there should be neither a slave nor a drunkard in the land.

CHAPTER XXVIII

IN CONCLUSION

ON the mantel fronting his desk in the White House President Roosevelt kept a large portrait of Lincoln. When Mrs. White and the writer called on President Roosevelt on the Thursday following his election in 1904, during the conversation Mr. Roosevelt, turning to the picture, said:

"When I am confronted with a great problem, I look up to that picture, and I do as I believe Lincoln would have done. I have always felt that if I could do as he would have done were he in my place, I would not be far from right."

Matching this tribute is one from another former governor of New York—one who, like Lincoln, rose from deep poverty—Governor Frank S. Black:

"The stamp of nobility and power which he wore was conferred upon him in that log hut in Kentucky, that day in 1809, when he and Nancy Hanks were first seen there together, and it was conferred by a Power which, unlike earthly potentates, never confers a title without a character that will adorn it. Groves are better than temples, fields are better than gorgeous car-

petings, rail fences are better than lines of kneeling slaves, and the winds are better than music if you are raising heroes and founding governments."

APPENDIX A

CHRONOLOGY OF THE ANTI-LIQUOR MOVEMENT
IN AMERICA¹

1642

THE colony of Maryland passes a law punishing drunkenness by a fine of 100 pounds of tobacco.

1645

Connecticut prohibits the selling of intoxicating liquors to Indians under penalty of 40 shillings 5 pence.

1647

Drunkenness is prohibited in Rhode Island under penalty of 5 shillings, and selling to Indians under penalty of 5 pounds.

1650

Connecticut passes a law forbidding tippling above the space of half an hour at one time, or at unreasonable times.

1654

The colony of Massachusetts prohibits licensed persons from allowing excessive drinking, under fine of 20 shillings.

1655

The colony of New Haven passes a liquor regulation law.

1657

Selling liquor to Indians in Massachusetts is prohibited under penalty of 40 shillings.

¹Condensed from the 1919 Anti-Saloon League Year Book. Permission of Ernest H. Cherrington.

1658

Maryland punishes drunkenness by confinement in the stocks for six hours. A law passed in Virginia provides that one convicted of drunkenness three times is accounted a common drunkard.

1659

Drunkenness at a private house in Connecticut is forbidden under a fine of 20 shillings.

1664

The Virginia Assembly passes a law prohibiting ministers from giving themselves to excess in drinking or riot or in playing at unlawful games.

1668

New Jersey passes a law prohibiting persons drinking after nine o'clock.

1676

The Virginia Assembly prohibits the sale of wines and ardent spirits outside of Jamestown.

1677

New Jersey forbids the sale of liquor to Indians.

1685

The Yearly Meeting of Friends in Pennsylvania and New Jersey declares against intemperance.

1700

Inn keepers in New Hampshire are prohibited from permitting townspeople to remain in their homes drinking on Saturday night or Sunday.

1701

New Hampshire imposes a fine of 5 shillings on drunkards.

1715

Maryland colony prohibits the selling of over one

gallon of liquor a day to any Indian, under penalty of 3,000 pounds of tobacco.

1719

New Hampshire prohibits the sale of liquor to drunkards.

1735

The English Parliament forbids the importation of liquors into Georgia.

1760

Virginia and Carolina pass laws compelling ministers to abstain from excess of drinking and riot.

The Friends of Pennsylvania make an effort to abolish the use of liquors at funerals.

1779

Vermont passes a law against drunkenness.

1785

Doctor Benjamin Rush issues his celebrated essay dealing with the effects of ardent spirits on the human body and mind.

1789

The first temperance society in America is organized by 200 farmers in Litchfield County, Connecticut.

1790

Congress enacts a law giving every soldier a gill of rum, brandy, or whisky daily.

A bill is introduced into Congress taxing distilled liquors.

1794

The whisky rebellion takes place in western Pennsylvania.

Congress orders that a half pint of spirits or a quart of beer shall constitute a part of the rations of the navy.

1801

Congress withdraws the option of a quart of beer in the navy ration instead of a half pint of spirits.

116 LINCOLN AND PROHIBITION

1802

Congress passes a law providing that the President shall take steps to prevent the traffic in liquor with the Indians.

1805

The Sober Society is founded at Allentown, New Jersey.

1808

The Union Temperance Society of Moreau and Northumberland is founded by Dr. B. J. Clark in Saratoga County, New York.

1814

The following article was inserted in the Book of Discipline of the Church of the United Brethren in Christ: "Article II. Every member shall abstain from strong drink, and use it only on necessity as medicine."

1821

The following action was taken by the General Conference of the Church of the United Brethren in Christ: "*Resolved*, That neither preacher nor lay member shall be permitted to carry on a distillery; that distillers be requested to cease the business; that the members of the General Conference be requested to lay this resolution before the several Annual Conferences; that it shall then be the duty of the preachers to labor against the evils of intemperance during the intervals between this and the next General Conference, when the subject shall again be taken up for further consideration."

1826

Doctor Lyman Beecher preaches his six famous temperance sermons at Litchfield, Connecticut.

The American Society for the Promotion of Temperance is organized in Boston.

1828

The New York State Temperance Society is organized.

1833

The Congressional Temperance Society is organized at Washington, D. C.

The first national temperance convention meets at Philadelphia.

1834

Congress enacts a law prohibiting the selling of liquor to Indians in Indian countries, under penalty of \$500.

The Presbyterian General Assembly meeting at Philadelphia declares against the traffic in ardent liquors.

1837

The Maine Temperance Union is organized under Neal Dow.

1840

The Washingtonian Movement is inaugurated.

1841

The national temperance convention meets at Saratoga.

John Hawkins, of the Washingtonian Society, reports 100,000 signers of the pledge.

1842

Abraham Lincoln addresses the Washingtonian Society at Springfield, urging a temperance revolution.

The Independent Order of Rechabites is organized.

The Sons of Temperance organize in New York.

John B. Gough signs the pledge and reforms.

The Congressional Temperance Society is reorganized on the basis of abstinence.

1843

A prohibitory law is passed for Oregon.

The National Division of the Sons of Temperance organizes.

1846

The Democratic Legislature of Maine enacts a prohibitory law.

The order of Templars of Honor and Temperance is organized.

1847

The Independent Order of Good Samaritans is organized.

1848

The Methodist General Conference at Pittsburgh, Pennsylvania, forbids members buying, selling, or drinking intoxicating beverages.

The prohibitory liquor law of Oregon is repealed.

1849

Father Mathew arrives from Ireland, and begins his pledge-signing crusade. President Tyler gives a banquet at the White House to Father Mathew and the Senate votes the extraordinary distinction of admitting him to the bar of the Senate.

1850

The people of Michigan adopt a constitutional amendment against license.

1851

The Dow bill introduced by Neal Dow in the Maine Legislature becomes a law. The law provides for confiscation of liquors stored for sale.

The Independent Order of Good Templars is organized in central New York.

Abraham Lincoln joins the Sons of Temperance at Springfield, Illinois.

Horace Greeley declares for the destruction of the liquor traffic.

1852

The Massachusetts Legislature enacts the "Maine Law" in its most stringent form.

Vermont adopts Prohibition.

1853

The prohibitory law of Rhode Island is declared unconstitutional.

John B. Gough makes a temperance lecture tour of England.

1854

Connecticut passes a prohibitory law with the provision for town agents to sell liquors for sacramental, chemical, and medicinal uses.

Myron H. Clark, a Whig, is elected governor of New York on a prohibition platform.

1855

The militia of Illinois is called out in the city of Chicago to suppress a riot occasioned by the agitation of the license question.

Pennsylvania prohibits the sale of liquors to be drunk on the premises.

The prohibitory law of Maine is reenacted by the Legislature and its penalties increased.

Another prohibitory law is passed in Rhode Island.

1856

The prohibitory Maine Law is repealed by the enactment of a license provision.

1857

The Sons of Temperance in New York indorse the scheme for a constitutional amendment prohibiting the liquor traffic.

1858

The Maine prohibitory Law again becomes operative.

1860

President-elect Abraham Lincoln declines a request to furnish liquors to the national committee sent to inform him of his nomination to the Presidency on June 19; he returns unopened the hampers of wines and liquors given to him.

1861

The New York Senate by a vote of 69 to 33 approves the joint resolution providing for a constitutional prohibitory amendment.

President Lincoln signs an act of Congress forbidding the selling or giving of intoxicating drinks to soldiers.

Generals Butler, McClellan, and Banks issue orders expelling all liquors from their respective commands.

1862

Congress passes a law declaring that the spirit ration in the navy shall cease forever.

1865

The Presbyterian General Assembly declares that liquor makers and sellers shall be excluded from membership in the church.

1866

Kansas passes a local option and prohibitory law.

1867

The Congressional Temperance Society is revived by Senator Henry Wilson of Massachusetts.

The National Brewers' Congress at Chicago declares for personal liberty, and against all candidates, of whatever party, who are in any way disposed toward the total abstinence cause.

1869

Massachusetts enacts a State prohibitory law.

The National Prohibition Party is organized in Chicago.

1870

Ohio passes the Adair law, making the liquor seller and owners of premises jointly responsible for injury caused by liquor.

The Royal Templars of Temperance is organized at Buffalo, New York.

1872

The Catholic Total Abstinence Union of North America is organized.

1873

The Woman's Temperance Crusade begins in Hillsboro, Ohio.

The Legislature of Minnesota enacts a special tax on saloon-keepers.

The New York Legislature passes the landlord and tenant bill, and a civil damage bill for the regulation of the liquor trade.

1874

The Georgia Legislature prohibits the sale of liquors except on petition of two thirds of the property owners.

Christian women at Chautauqua, New York, decide to call a national convention of temperance women, which convention meets on November 17 in Cleveland, Ohio.

The Woman's Christian Temperance Union is organized November 19.

1875

The whisky frauds in Western States are exposed, showing a loss to the government by corruption of \$1,650,000.

The constitution of the State of Texas is changed so as to guarantee local opeion.

1876

Senator Blair introduces a resolution in the United States Senate proposing federal prohibition.

1879

A constitutional prohibitory amendment bill passes the Kansas Legislature.

1880

The demand for scientific temperance instruction in schools is created by the W. C. T. U.

122 LINCOLN AND PROHIBITION

The Iowa Legislature adopts a prohibitory amendment.

The people of Kansas adopt the prohibitory constitutional amendment by 8,000 votes.

1881

President Hayes issues an order prohibiting the sale of liquors at military posts and stations.

The first high-license law in the country is enacted by the Nebraska Legislature.

Kansas passes a prohibitory law to enforce the Prohibition amendment.

1882

The prohibitory amendment is adopted by the people of Iowa by a majority of nearly 30,000 votes.

1883

The Missouri Legislature enacts the Downing high-license law.

The Illinois Legislature passes the Harper high-license law.

A petition containing the names of 50,000 voters in Massachusetts is presented to the Legislature of that State, asking for the submission of a prohibitory constitutional amendment.

The people of Ohio adopt a prohibitory constitutional amendment by a majority of 82,000; the proposition is defeated by technicalities.

The Scott law taxing the liquor traffic is passed in Ohio.

1884

The stringent Iowa prohibitory liquor law becomes operative.

The National Democratic Convention adopts a liquor plank in its platform.

The third plenary council of the Roman Catholic prelates at Baltimore, Maryland, declares against the liquor traffic.

The constitutional prohibitory amendment is approved by the people of Maine by a majority of 46,972 votes.

The Church Temperance Society of New York reports that 633 political conventions and primaries out of a total of 1,002 are held in saloons and that the boodle board of 22 aldermen contains 12 saloon-keepers and 4 saloon politicians.

1885

The proposed constitution for South Dakota is framed by a convention at Sioux Falls, with an article prohibiting the liquor traffic.

A partisan anti-saloon movement is organized in Kansas for the purpose of inducing the Republican party to adopt a platform of hostility to the saloons.

1886

The Rhode Island Legislature votes to submit the prohibitory amendment to a popular vote. The prohibitory amendment to the constitution is approved by the people of Rhode Island by the required three fifths and becomes operative on July 1.

The Rev. George C. Haddock, of Sioux City, Iowa, is murdered by a prominent friend of the brewers.

Congress enacts that instruction concerning the effects of alcoholic liquors shall be given in the schools of the District of Columbia, in the military and naval academies, and in all other schools under government control.

Congress passes a local option law for the District of Columbia.

The Dow tax law is passed by the Ohio Legislature.

1887

The General Conference of the Evangelical Church declares for Prohibition.

The Legislature of Kansas passes a law to suppress the sale of liquor as a beverage at drug stores.

The Minnesota Legislature provides for high license wherever Prohibition is not adopted.

The Pennsylvania Legislature enacts the Brooks high-license law.

The Texas Legislature votes to submit a constitutional prohibitory amendment to the people; the amendment is afterward defeated by a majority of 91,357.

The General Conference of the Wesleyan Methodist Episcopal Church resolves for Prohibition.

1888

The General Conference of the African Methodist Episcopal Zion Church, with 300,000 members, declares in favor of temperance.

The Brooks high-license law of Pennsylvania goes into effect.

The National Republican Convention resolves for temperance and morality.

The General Synod of the Moravian Church opposes all traffic in intoxicating liquors.

The General Conference of the Seventh Day Adventists in convention at Minneapolis, Minnesota, resolves for Prohibition.

The Massachusetts Legislature enacts a high-license law.

1889

The Rhode Island Legislature enacts a high-license law.

The people of South Dakota approve the prohibitory article of the constitution by a majority of over 5,000.

1890

President Corbin, of the Reading Railroad, orders the discharge of all employees who frequent drinking places.

The Prohibition law of Iowa is sustained.

The Central Labor Union of New York denies ad-

mission to the delegates from saloon-keepers' associations.

The Presbyterian General Assembly in session at Saratoga, New York, recommends Prohibition.

The General Conference of the Methodist Protestant Church declares against license.

The Baltimore & Ohio Railroad issues a circular stating that it will not employ men addicted to intemperance.

The Farmers' Alliance and Knights of Labor in South Dakota unite to form an independent party favoring Prohibition.

The American Board of Missions petitions Congress to prohibit the exportation of intoxicating liquors to those countries where the missions of the board are located.

The Maryland Legislature enacts a high-license law for Baltimore City.

1891

The Delaware, Lackawanna & Western Railroad discharges employees who sign petitions of saloon-keepers for license.

The Maine Legislature passes some very rigid temperance legislation.

1892

The General Conference of the Methodist Episcopal Church condemns the liquor traffic and the high-license system.

Judge Lacombe, of New York, renders an opinion favoring the legality of the whisky trust.

1893

The Ohio Anti-Saloon League is founded by Howard H. Russell at Oberlin, Ohio.

The State Liquor Dealers' Association of Ohio decides to enter politics more actively than before.

1894

Archbishop Ireland, of the Catholic Church, and Dr. Kynett, of the Methodist Church, on a railway train between Chicago and Philadelphia, discuss the temperance question and agree upon the advisability of a plan for the uniting of all the forces opposed to the saloon, similar to the plan later decided upon in the organization of the Anti-Saloon League of America.

1895

At the suggestion of Bishop Luther B. Wilson, the District of Columbia Anti-Saloon League issues a call to initiate a general Anti-Saloon League movement throughout the nation.

The American Anti-Saloon League is organized at Washington, D. C., December 18, by the coalition of the Anti-Saloon League of the District of Columbia, the Anti-Saloon League of Ohio and five other State, national, and local temperance organizations.

Dr. Howard H. Russell is chosen the first national superintendent of the Anti-Saloon League of America.

The American Issue, the official organ of the Anti-Saloon League, makes its first appearance, taking the place of the *Anti-Saloon*, the paper started by Dr. Russell in 1893.

1896

State Anti-Saloon Leagues are organized in Pennsylvania, South Dakota, Michigan, West Virginia, and Iowa.

1897

The Anti-Saloon Leagues of Nebraska and Tennessee are inaugurated.

1898

The Anti-Saloon League movement is started in Northern California, Illinois, Indiana, Minnesota, Vermont, Wisconsin, Maryland, and Oklahoma.

1899

Through action of the Ohio Anti-Saloon League, a large number of pro-liquor candidates are defeated.

Anti-Saloon League State organizations are started in New Hampshire, New York, Colorado, Arkansas, and Rhode Island.

The Anti-Saloon League of America opens legislative offices in Washington, D. C.

1900

The Anti-Saloon League is organized in the State of Washington.

1901

Congress passes the anti-canteen law.

The brewers and liquor dealers organize in every Prohibition State of the Union to break down the prohibitory laws.

The Anti-Saloon Leagues of Oregon, Virginia, and New Jersey are started.

The Supreme Court of Indiana hands down three decisions favorable to the temperance forces.

1902

Maryland passes twenty-eight different local temperance laws.

Two thirds of Los Angeles County, one half of San Diego County and one half of San Bernardino County, California, adopt no-license.

New York State outlaws 60 concert hall saloons in Buffalo, and adds 100 dry townships to the no-license column.

1903

Virginia passes the Mann law, practically banishing all saloons from rural districts.

Eighteen of the 24 towns and cities voting in Virginia go dry and 20 of the 27 municipal elections in North Carolina result in dry victories.

Fifty-seven additional towns and cities in Ohio adopt

no-license under the Beal law, and 450 convictions of saloon violators are secured in the same State.

1904

Anti-Saloon Leagues are organized in Kentucky, Idaho, Oklahoma, and Indian Territory.

Virginia reduces the number of saloons in that State by two hundred and thirty.

The anti-saloon forces secure the election of a Prohibitionist as a member of the Illinois Legislature from the city of Peoria, the world's whisky center.

Seven counties in Missouri vote dry and 200 saloons are closed in the State.

1905

Six anti-liquor laws are passed by the Legislature of New York.

One hundred and sixty-three convictions against saloon-keepers are secured in Minnesota, and the saloons are closed on Sunday in Minneapolis.

Governor Herrick, of Ohio, is defeated for re-election by a majority of over 44,000 by the anti-saloon forces, who thus resent his mutilation of the residence district option bill.

1906

Kentucky passes the county unit local option law, which results immediately in 14 new counties passing into the no-license column. The governor orders the closing of Sunday saloons in Louisville.

Six of the eleven New Hampshire cities vote dry.

The Oklahoma Statehood bill as passed by Congress, requires the prohibition of the liquor traffic in Indian Territory, and on Indian reservations for twenty-one years, and thereafter until the people shall change the organic law.

1907

Alabama passes a county option law, and later enacts State-wide Prohibition. Jefferson County, Alabama, in-

cluding the city of Birmingham, votes dry by a majority of 1,800.

Arkansas abolishes all saloons outside of incorporated towns.

The Legislature of Georgia passes a State-wide Prohibition measure.

The Delaware Legislature submits the liquor question to the vote of the people, with the result that every place outside of Newcastle County and the city of Wilmington abolishes the saloons.

Of the 37 county option elections held in Kentucky, 35 go dry.

Ohio destroys 350 speakeasies, and 50 additional towns and cities go dry.

Oklahoma adopts Prohibition by 18,000 majority.

1908

Illinois in a single day votes 1,053 townships dry, abolishing thereby over 1,500 saloons.

Ten additional counties in Michigan abolish the saloons.

Mississippi passes a State-wide Prohibition law.

North Carolina adopts State-wide Prohibition by a majority of 44,000.

Twenty-one of the 33 counties of Oregon vote to abolish the saloons under the county-option law.

Forty-two municipalities in Colorado adopt no-license.

Arkansas registers a total majority against licenses in the county option elections of 22,934, and elects an anti-saloon governor by 80,000 majority.

Governor Stubbs is elected in Kansas on a Prohibition and law-enforcement issue.

Texas adds 12 dry counties to the no-license list, and re-elects Governor Campbell on a straight anti-saloon issue.

Rhode Island abolishes 429 saloons, and passes a law limiting the number of licenses to one to every 500

of the population, and prohibiting the saloon within 200 feet of a public or parochial school.

Tennessee elects a Legislature pledged to enact State Prohibition.

United States Senator Carmack is shot down in the streets of Nashville, and dies a martyr to the Prohibition cause.

Maine and North Dakota both elect governors pledged to the strict enforcement of Prohibition.

Baltimore, Maryland, closes 393 saloons.

Worcester, Massachusetts, with a population of 150,000, goes dry a second time.

Four hundred and sixty-one saloons are abolished in Iowa.

Seven hundred and twenty saloons go out of business in Indiana by the remonstrance route.

In four months 57 counties in Ohio vote dry, abolishing thereby 1,910 saloons.

More than 11,000 saloons are abolished in the United States by Prohibition and local option laws during the year.

1909

South Carolina adopts Prohibition with a referendum by counties, and as a result of the referendum vote 36 of the 42 counties prohibit the sale, while the other 6 retain the county dispensaries.

Idaho enacts a straight county-option measure, and in the first round of elections 14 of the 23 counties abolish saloons.

Wyoming abolishes all saloons outside of incorporated towns.

Kansas passes a stringent measure prohibiting the sale of liquors for all purposes except sacramental use.

Nineteen additional counties in Michigan abolish the saloons.

The lower house of the West Virginia Legislature

passes a Prohibition bill. Eight additional counties in West Virginia vote dry.

Sixty counties in Indiana vote dry.

1910

The governor of Nebraska summons the mayor, fire, and police board, and the chief of police, to show cause why they should not be ousted from office, for failure to enforce anti-liquor laws; and upon agreement of said officers to enforce the laws in the future, they are given opportunity to make good.

The largest number of no-license elections ever held in the State take place in Wisconsin, resulting in a net gain of about 25 counties for the dry forces.

Carl Etherington, a special officer, who is compelled, in self-defense, to shoot a speakeasy keeper as a result of a raid in Newark, Ohio, is lynched by a drunken mob on the public square of Newark.

Hon. William Jennings Bryan makes a fight in the Democratic convention for a county-option plank.

The anti-liquor forces of Tennessee score a great victory in the election of Governor Hooper and a majority of the Legislature favorable to the prohibitory law.

1911

The Illinois liquor interests are overwhelmingly defeated in their attempt to repeal the township local option law of that State.

Forty-six dry counties in Indiana go wet on account of the repeal of the county-option law, leaving only 24 dry counties out of 92 in the State and reducing the number of dry townships to 825 out of a total of 1,015.

Every candidate on the State ticket in Kentucky who is supported by the liquor interests where the temperance question is involved, is defeated for nomination.

Five out of 68 legislative bills favorable to the liquor traffic are passed by the General Assembly of New York State.

1912

The Prohibition forces of Georgia elect a Legislature favorable to Prohibition.

Under a special law enacted by the Michigan Legislature, providing that there shall not be more than one saloon to every 500 of the population, about 200 upper peninsula saloons are closed on May 1.

The Supreme Court of the United States hands down a decision upholding federal Prohibition in Indian Territory and certain portions of Indian counties in Oklahoma.

The United States Supreme Court hands down a decision upholding the constitutionality of the twenty-one year Prohibition clause for that portion of the new State of Oklahoma which was originally Indian Territory.

The Supreme Court of Tennessee upholds the law of that State prohibiting the manufacture of intoxicating liquors.

The people of West Virginia on November 5 adopt a constitutional amendment prohibiting the liquor traffic by a majority of 92,342 out of a total vote of 235,843, the law to become effective July 1, 1914.

1913

The United States Congress passes the Webb-Kenyon law over the veto of President William H. Taft, thus prohibiting the shipment in interstate commerce of intoxicating liquors when such liquors are to be used in violation of law.

The Jones-Works bill restricting the liquor traffic in the District of Columbia is passed by Congress in the face of terrific opposition, thus providing for the reduction of the number of saloons to not more than 300 by November 1, 1914.

Of the 28 local option elections held in Illinois on November 4, 22 result in dry victories, the women's vote strongly aiding the victors.

The enfranchisement of women in Kansas is estimated to have added 300,000 voters to the temperance army.

In sixteen local option elections in Missouri, between January and October, the population in dry territory is increased by 143,282, and the number of dry counties is increased to 74.

An extra session of the Tennessee Legislature is called by Governor Hooper to pass the nuisance bill and the anti-shipping bill.

The State Supreme Court of Wyoming upholds the constitutionality of the Sunday-closing law.

1914

The people of Arizona, by a majority of 3,144 out of a total vote of less than 50,000, adopt a prohibitory constitutional amendment which goes into effect January 1, 1915.

At the November election in Colorado the Prohibition amendment to the State constitution submitted to a vote of the people was adopted by a majority of 11,752. The amendment goes into effect January 1, 1916.

Oregon adopts State-wide Prohibition by a majority of 36,000, the Prohibition vote being 136,842 and the license vote being 100,362. As a result of this law, which went into effect January 1, 1916, 900 saloons and 18 breweries in 98 towns were closed. Thirty-two of the 34 counties in the State record Prohibition majorities.

The bill for an election on State-wide Prohibition which had failed in several previous Legislatures in Virginia is adopted by the Virginia House of Delegates by an overwhelming vote in the 1914 session and in the Senate by the casting of the deciding vote on a tie by the president of that body.

A Prohibition amendment to the constitution of the State of Washington which is voted upon in the November elections, is adopted by a majority of 18,632 out of a total of 361,048 votes.

The election of Senator Lawrence Y. Sherman to the United States Senate from Illinois, in face of the terrific opposition of the liquor forces, records another significant dry victory.

A strong anti-shipping law and a search-and-seizure law are enacted by the Kentucky Legislature.

On December 22 the Hobson resolution providing for the submission of a prohibitory amendment to the federal Constitution is voted upon in Congress, 193 votes being recorded in favor of the measure and 189 votes against it.

1915

The Legislature of Alabama by an overwhelming majority passes a State-wide prohibitory law which is vetoed by the governor and then passed by the Legislature over the governor's veto.

By a majority of 75 to 24 in the House and 33 to 2 in the Senate, the Arkansas Legislature adopts a State-wide Prohibition law.

The State-wide prohibitory law goes into effect in Arizona January 1.

Statutory Prohibition goes into effect in Alabama July 1, 1915. Liquor advertisements in newspapers, on billboards, or in any other form, are prohibited within the State.

The Colorado Legislature passes a stringent law providing for the enforcement of the State Prohibition amendment, which goes into effect January 1, 1916.

A special session of the Georgia Legislature is called and enacts a law to secure effective enforcement of Prohibition.

The 1915 session of the Utah Legislature enacts a strong Prohibition bill, with only 5 votes against the measure in the House of Representatives and 2 in the Senate. Governor Spry, however, holds the bill until after the Legislature has adjourned, and then attaches his veto to the measure.

A joint resolution calling for the submission of a prohibitory amendment to the federal constitution was introduced in both houses of the Sixty-fourth Congress, which convened in December. The resolutions were presented in the Senate by Senator Morris Sheppard, of Texas, and by Senator J. H. Gallinger, of New Hampshire; in the House by Edwin Y. Webb, of North Carolina, and A. T. Smith, of Idaho.

1916

The Judiciary Committee of the United States Senate, by a vote of 13 to 3, on December 21 favorably reports to the United States Senate the National Prohibition Resolution known as Senate Joint Resolution No. 55.

Prohibition goes into effect in Arkansas, Colorado, Idaho, Iowa, and Washington, on January 1, 1916.

Michigan adopts a prohibitory amendment to the State constitution by a vote of 353,378 to 284,754, on November 7.

Montana adopts State-wide Prohibition by a vote of 102,776 to 73,890, at the general election in November.

Constitutional Prohibition is adopted in Nebraska by a vote of 146,574 to 117,132, at the November election. A prohibitory statute is also passed by the Legislature.

South Dakota adopts constitutional Prohibition by a majority of 11,505 votes, on November 7.

State-wide Prohibition goes into effect in Virginia on November 1. A stringent law-enforcement measure is passed by the State Legislature.

1917

The resolution submitting to the States the National Prohibition Amendment to the Constitution of the United States, is adopted by the United States Senate on August 1, and by the House of Representatives on December 18.

The federal Anti-Liquor Advertising bill, carrying with it the Reed Bone-Dry Amendment, is adopted by

the United States Senate on February 15 and by the House of Representatives on February 21.

The Supreme Court of the United States, on January 8, 1917, hands down a decision upholding the constitutionality of the Webb-Kenyon Interstate Liquor Ship-ment Law.

The District of Columbia is made Prohibition territory by a bill passed by the United States Senate on January 9, and by the House of Representatives on February 28.

A bill providing for Prohibition in the territory of Alaska is presented in both houses of the United States Congress early in January, 1917, and is adopted by the Senate on January 31, and by the House of Representatives on February 2. The Prohibition measure goes into effect January 1, 1918.

A provision for a vote on the question of Prohibition in the island of Porto Rico is passed by the United States Congress, as an amendment to the Porto Rican Citizenship and Civil Government bill. At a special election held in July, 1917, the voters of Porto Rico approve the Prohibition measure by a vote of 99,775 to 61,295.

A Food Control bill is passed by the House of Representatives, containing a provision forbidding the use of any foods, food materials, or feeds for the production of alcoholic beverages, except for governmental, industrial, scientific, medicinal, or sacramental purposes, and also authorizing the President of the United States to commandeer alcohol and distilled spirits for government requirements. As a result of a threatened filibuster against this food-control bill by the friends of the liquor interests in the United States Senate, a request is made by the President of the United States to the anti-liquor forces, in accordance with which the bill is finally changed so as to make the prohibition of the use of food materials in the manufacture of beer and

wine, optional with the President of the United States. The bill as finally passed by the Senate on August 8 and signed by the President on August 10, provided for the prohibition of the manufacture of distilled spirits for beverage purposes, prohibition of the importation of distilled spirits, and authorized the President to commandeer whisky in stock as well as in bond, at his discretion, to reduce the alcoholic content of beer and wine, and to limit, regulate or prohibit the use of food materials in the manufacture of beer and wine. According to the terms of this measure, the manufacture of distilled spirits in the United States ceased on September 8, 1917.

Georgia passes a bone-dry prohibitory law, barring even the possession of liquor for personal use, effective immediately upon its passage.

The General Assembly of Indiana passes a State-wide prohibitory statute, to go into effect April 2, 1918.

Constitutional Prohibition goes into effect in Nebraska May 1.

New Hampshire adopts State-wide Prohibition, by act of the State Legislature, in April, 1917.

The New York Legislature passes a city local option bill, which enfranchises more than 8,000,000 people living in the cities of the State.

The North Dakota Legislature passes a bone-dry law which is signed by the governor on March 9.

Oklahoma adopts a bone-dry law at the 1917 session of the Legislature.

State-wide Prohibition goes into effect in South Dakota on July 1.

Statutory Prohibition was adopted by the Utah Legislature, the bill being signed by the governor on February 8, and becoming effective August 1.

The Washington Legislature passes a State bone-dry law.

The Wyoming Legislature adopts a resolution submit-

ting State-wide constitutional Prohibition to a vote of the people.

1918

The National Prohibition Amendment to the Constitution of the United States is ratified by the Legislatures of the following States: Mississippi, Virginia, Kentucky, South Carolina, North Dakota, Maryland, Montana, Texas, Delaware, South Dakota, Massachusetts, Arizona, Georgia, Louisiana, Florida.

Prohibition goes into effect in Alaska on January 1, 1918.

An amendment to the Agricultural Appropriation bill is offered in the United States House of Representatives, by Congressman Randall, providing that no part of this appropriation shall be available unless the use of grains in the manufacture of beer be prohibited. An amendment to this bill is offered in the Senate by Senator Jones, to prohibit the use of cereals and fruit in the manufacture of intoxicants. The Agricultural Appropriation bill is passed by the Senate on September 6, with a Prohibition amendment, and approved by the President on November 21. The law as finally approved prohibits the manufacture of beer and wine, after May 1, 1919, and forbids the sale of distilled, malt, and vinous intoxicants after June 30, 1919.

On December 1, 1918, the use of foods and food materials in the manufacture of beer was ordered stopped by the food administration of the federal government.

Florida adopts State-wide Prohibition by a majority of 8,242 at the November election.

At a special session of the Louisiana Legislature called in August the National Prohibition Amendment is ratified.

State-wide Prohibition goes into effect in Michigan on May 1.

State-wide Prohibition goes into effect in Montana on December 31, in New Hampshire May 1, and in New Mexico October 1.

State-wide Prohibition is adopted in Nevada at the November election, and goes into effect on December 16.

Ohio adopts State-wide Prohibition by a majority of 25,759.

Prohibition goes into effect in Porto Rico on March 2.

Utah adopts a prohibitory amendment to the State constitution at the November election.

A bone-dry amendment to the constitution of Washington is adopted by a majority of 41,778 votes, at the November election.

State-wide Prohibition is adopted at the general election in Wyoming, by 15,000 majority.

1919

The amendment to the Constitution of the United States, providing for National Prohibition, is ratified by the Legislatures of three fourths of the States, on January 16, 1919, and becomes the Eighteenth Amendment to the Constitution of the United States. The Acting Secretary of State issues a proclamation on January 29, declaring this amendment a valid part of the Constitution of the United States. During the early part of the year 1919 the amendment is ratified by the following State Legislatures: Michigan, Ohio, Oklahoma, Maine, Idaho, West Virginia, Washington, Tennessee, California, Indiana, Illinois, Arkansas, North Carolina, Alabama, Kansas, Oregon, Iowa, Utah, Colorado, New Hampshire, Nebraska, Missouri, Wyoming, Wisconsin, Minnesota, New Mexico, Nevada, Vermont, New York, and Pennsylvania.

A resolution providing for ratification of the National Prohibition Amendment is defeated in the New Jersey Senate by a vote of 10 to 8, on March 10.

The Senate of Rhode Island votes to indefinitely postpone consideration of the National Prohibition Amendment to the United States Constitution, by a vote of 25 to 12, on February 6.

APPENDIX B

GENERAL McDOUGALL'S INDORSEMENT OF JAMES B. MERWIN

NEW YORK CITY, Jan. 8, 1863.

Hon. J. Harlan

U. S. Senate.

Dear Sir: I avail myself of your kindness to me heretofore to write you a line by our mutual friend the Rev. Mr. Merwin. Mr. Merwin has been my invaluable cooperator in the good work in the Department of New York and it is not necessary to tell you what a worker he is. His services are known to the whole Army. He will inform you what we have done and are doing here and what we want.

I must beg you to mention me very kindly to your good lady and say to her that I still hear of her whenever I hear of sick and wounded soldiers.

Accept of my wishes for continued health and happiness to yourself.

Very respectfully

Your friend and servant,

C. McDOUGALL,
Medical Director
Dept. of the East,
U. S. A.

APPENDIX C

THE 1855 PROHIBITION BATTLE IN ILLINOIS HISTORY

LOCAL historians and Illinois newspapers gave a good deal of space to the Illinois temperance wave of 1855. The temperance people had elected a Whig-Prohibition governor in New York, and the Dow Law was a leading topic of discussion all over the country. The Illinois Legislature in the early winter of 1855 passed a stringent Prohibition Act, inhibiting the sale and manufacture of spirituous, vinous or malt liquors under heavy penalties, together with the destruction of liquors. The law contained certain exceptions in favor of the making of cider, wines, and beer and ale for export. Importers were allowed to sell in the original packages only. Before becoming effective the Act provided that it should be submitted to a referendum vote at a special election to be held in June, 1855.

In 1851 a stringent act known as the "Quart Law" had been adopted, but the enforcement of this law produced great popular resentment, and it was repealed in 1853. This reverse did not discourage the friends of temperance. They held a State convention in Springfield in January, 1854, attended by delegates to the number of 200 from all parts of the State. The leading participants were S. D. Lockwood, formerly supreme judge, the Rev. J. M. Peck, D.D., B. S. Edwards, S. W. Robins, Thomas M. Taylor, G. P. West, W. C. Vanmeter, Judge Grover, and others. The use of the Hall of Representatives was denied the temperance people after a protracted debate in the House by a vote of 33 to 36. This

convention drafted a bill similar in its provisions to the Maine Law, which was presented to the General Assembly for adoption, and defeated, some of the strongest members believing that moral suasion was the proper solution of the drink problem. At the special session in February, 1854, the friends of temperance again assembled at Springfield. The attendance was chiefly from the northern part of the State. The prohibitory bill was again introduced in the Legislature, and this time favorably reported upon by the Committee on Temperance. J. M. Palmer moved the submission clause as an amendment, but for want of time no final action was taken.

The constitutionality of the law was challenged, but at the June term of the Supreme Court, in the case of *Jacksonville v. Godard*, it was clarified. *Jacksonville* by ordinance had declared the sale of liquors a nuisance. It was contended by the defendant that liquor was property, and that its acquirement and disposition was natural and constitutional and could not be invaded on the authority of the State; that it might be regulated but could not be destroyed. The court held that this doctrine as a universal principle was not tenable; it depended upon the kind of property, its use and disposal. The court held that both natural and social rights in a political state were surrendered to the well-being of society. These police powers destroyed neither *Magna Charta* nor the spirit of the Constitution; the act and the thing with its use must be judged by its effects, and when adjudged mischievous the power of the government must regulate them. We had a right to our gold and silver, yet could not coin it. We might labor and rest, yet were not allowed to become idlers, vagrants, or vagabonds. We might dispose of property, yet had no right to gamble it away. And to reach the effect we might remove the cause. Judge Scates delivered the opinion of the court.

The Prohibition Bill, framed on the lines of the Maine Law, came before the Legislature in 1855. That body was Republican, or, rather, "Fusion" by a combination of Whigs and anti-Nebraska Democrats. The bill, after being amended by the Senate, passed both Houses and under the submission clause went to the people for final approval.

B. S. Edwards, a lawyer of ability and high standing, took a leading part in the contest for the adoption of the Prohibition law. He was credited by many at the time with being the framer of the bill. Generally speaking, the northern counties of the State were for the measure. The politicians rather generally held aloof from the discussion or the propaganda. The liquor people circulated garbled copies, with forged interpolations forbidding the manufacture and sale of cider among the farmers of the State. Its opponents argued that its adoption would mean that liberty would be crushed. The bill was defeated in June by a State-wide majority of about 14,000 votes. The northern counties, with the exception of Cook and Rock Island, approved the bill.

MAINE LAW RIOT IN CHICAGO

Section 36 of the Prohibitory Bill provided that "All laws authorizing the granting of licenses to sell spirituous, intoxicating or mixed liquors shall be repealed from and after the date of the passage of this Act," February 12. Section 39 read, "The provisions of this Act shall take effect on the first Monday of July next," provided that if a majority of the ballots to be deposited were against Prohibition, then the Act was to be of no force nor effect whatever. In March the City Council of Chicago required all persons selling liquor to take out licenses at the rate of \$300 a year. Many of the saloon-keepers were German. Acting under legal advice as to the construction of the State prohibitory

law that the city had no legal authority to issue licenses from February to July, and that every person choosing so to do had the right to sell liquor within that period according to Section 36, many liquor dealers refused to comply with the requirements of the City Council, and continued to sell liquor. Warrants were issued, and some thirty German saloon-keepers were arrested. They were tried before Judge Rucker. On the day of the trial the Germans thronged the courtroom until it was impossible to proceed. The police cleared the room, and the crowd retired to an adjoining room, from which, on account of their noise, they were also excluded. With the beating of drums the crowd now took possession of Randolph Street, excluded the passing pedestrian, and "armed with bludgeons, knives, and pistols speedily developed into a mob, insulting everyone coming within range and bidding defiance to the police. The latter attempted to open the sidewalk by force and a general battle ensued, resulting in the death of two policemen, as many Germans, and the serious wounding of a great number. The streets were cleared and order reestablished by the aid of the military; fifty-three Germans were arrested and lodged in jail. It was a day of outraged law, disgrace, and blood for Chicago. On the next day [Sunday] the city was put under martial law."

APPENDIX D

MERWIN'S STATEMENT TO THE WRITER

THE following statement was dictated by James B. Merwin to Charles T. White in Brooklyn, New York, March 31, 1917:

In addition to the facts set forth in the printed Proceedings of the Sixteenth National Convention of the Anti-Saloon League of America at Atlantic City, July 6-9, 1915, at which time I was interrogated at length with reference to my association with Abraham Lincoln, both in 1855 and during the entire period of the Civil War, I desire to place on record a memorandum about a document in my possession which I always have regarded as of great interest and value to the cause of temperance reform. This document is dilapidated from wear, because I carried it about with me for the four years of the war, and it has had a great deal of wear and tear since. It bears the written indorsements of President Lincoln, General Winfield Scott, and General Benjamin F. Butler, and the signatures of Senator Charles Sumner, of Massachusetts; Governor Buckingham, of Connecticut; O. H. Browning, of Illinois; Richard Yates, of Illinois; Senator James Harlan, of Iowa; Senator Henry Wilson, of Massachusetts; Senator Lyman Trumbull, of Illinois; Senator J. R. Doolittle, Senator James W. Grimes, Senator Timothy O. Howe; David Wilmot, author of the famous Wilmot Proviso; Judge Isaac N. Arnold, who served in Congress with Lincoln, and wrote a life of him; Congressman John F. Potter; John Lane Scripps, editor of the *Chicago Tribune*; Judge Thomas Drummond, and scores of others, including men prominent in Congress and in the Senate. This

document in its original content was a petition written at the suggestion of Abraham Lincoln soon after his first inauguration, by Governor Buckingham of Connecticut, a friend of mine, asking the President officially to appoint or designate me as a major of volunteers to urge total abstinence among the soldiers in and around Washington, in the hospitals and camps, wherever I might find opportunity.

Lincoln in 1855 was a poor country lawyer, and his practice, while considerable, was anything but lucrative. Stenographers were a rarity in Illinois at that time. It would have been surprising if any record of a temperance address in 1855 was made.

It may be well for me to sketch here my association with Lincoln and the incidents leading up to it. After temperance campaign work in the State of Connecticut, on the solicitation of friends in Illinois, who wanted a law for Illinois like the Dow Law in Maine, I went to Springfield in the early winter of 1854. There was a temperance meeting in progress in the old State House the night I arrived. I went to it. After a number of addresses, there were calls for "Abe Lincoln!" from various parts of the assembly room. These were repeated until finally some one went out and summoned him. He had been reading law in the State Library. When he entered the Assembly Room he wore an absurd-looking coat, with sleeves too short for him by nearly a foot. In his hurried response to the call, he had picked up the janitor's coat, and put it on while walking through the corridor on his way to the Assembly Chamber. There was a titter at his appearance, but it stopped as soon as he began to talk. No one ever had occasion to laugh at Abraham Lincoln when he was speaking from the heart. He made a most wonderful temperance address, far more powerful than that made by him in Springfield on February 22, 1842, and quoted in the histories.

After the meeting I introduced myself to him, told him my mission to Springfield, and we went to his home together. I had with me a copy of the Maine Law, and we sat up all night looking over that statute. I was a young man of about twenty-six then, and Lincoln was about forty-five.

That was the beginning of the campaign for the adoption of a prohibition law for the State of Illinois. Mr. Lincoln set to work to frame a law, and he worked at it almost constantly for days. After he had completed it he had me take it around the State to get the views of his lawyer friends and of those most interested. I showed it to John M. Palmer, Leonard Swett, Jesse Fell, and others. I went to the home of Judge David Davis, and asked him to pass judgment on it. Lincoln had told me, half humorously, that Judge Davis's wife was a former Yankee schoolmarm, and for that reason he thought the Judge might be interested in the law. Davis was busy, and surly, and asked me if Mr. Lincoln had sent a retainer along to pay for the work. I was obliged to tell him he had not. When I reported this back to Mr. Lincoln he seemed deeply hurt, as he had assumed that Judge Davis, on account of their long-time friendship, would be interested in it. He spoke to me about the incident just before he, as President, appointed Judge Davis to the United States Supreme Court bench.

President Lincoln all of his life from young manhood on, was a total abstainer from alcoholic drink. In 1855 he made more than a score of addresses in the campaign waged under the direction of the Illinois State Maine Law Alliance that year for State-wide prohibition of the liquor traffic, the issue before the people being on the proposed adoption of a prohibition amendment to the State constitution. Lincoln was heart and soul in favor of it. The temperance people came within fourteen thousand votes of carrying the amendment. Thousands of fraudulent votes were run into the State from

Kentucky, Missouri, and Wisconsin by the liquor men. I was with Lincoln practically every day during that campaign. He spoke with tremendous eloquence and power. So far as I know not one of his addresses in that campaign was preserved. The cause was not popular with the newspapers. In nearly every instance the addresses were delivered in the open air, generally from courthouse steps.

At the breaking out of the war I was in Detroit, engaged in temperance work. Lincoln sent for me and I went to Washington. He outlined what he wanted. The soldiers were the victims, especially following pay days, of the rumsellers. My work, by mutual agreement, was to mitigate as far as practicable, the curse of whisky among the soldiers. In order to give me an official standing the document already referred to was, on the suggestion of the President, drawn up by Governor Buckingham and widely signed by some of the greatest men of the nation—by men close to the President. The indorsements by Generals Scott and Butler tell their own story. The indorsement by Lincoln is guarded in its tone because, I presume, as commander-in-chief of the Union army he wished to avoid embarrassing the service by establishing a precedent that might possibly prove troublesome. But my task was, as I have stated, talking total abstinence to the soldiers, and that is what Lincoln wanted me to do.

That was my task during the entire period of the war. Part of the time, on account of lameness, I rode about in and spoke from the President's carriage. Whenever I landed in Washington I slept in a small room on the top floor of the White House. Of my intercourse with President Lincoln I have spoken and written much. My purpose in making this statement is not so much to give a reminiscence of Lincoln as to place on record evidence concerning the dilapidated old document which served, sometimes against the severest opposition, as a

To all whom it may concern:

No

277

Head Quarters City Guard,

Provost Marshal's Office,

WASHINGTON

1862

know ye, That the bearers,

J. B. Merwin

James B. Merwin, have permission to pass over any bridge or ferry to Virginia, and within the lines, and back, for the purpose of *Person & Business* being subject to the inspection of guards or patrols.

This Pass will expire)

By command of A. POOTER, Brig. Gen. U. S. A., Provost Marshal.

Wm. H. Hargis

A. Pooter
Adj. Gen.

In availing myself of the benefits of the above pass, I do solemnly affirm that I am a true and loyal citizen of the United States; and that I will not give aid, comfort, or information to the enemies of the United States Government in any manner whatsoever.

J. B. Merwin

[This Pass to be taken up at its expiration.]

JAMES B. MERWIN'S PASS FOR HIMSELF AND DRIVER

guarantee of my position. I had another pass, written and signed by President Lincoln, which I still have in my possession, and this carried me everywhere. The old document about which I am commenting, was "lost" almost as soon as I began to use it. I left it with the War Department in the summer of 1861 on the request of department officials, and when I tried to get it back it was "missing." I told the President. He sent a peremptory order to Secretary Cameron, ordering the production of the lost paper. It was almost instantly "found" and returned to me.

Brooklyn, New York, March 31, 1917.

APPENDIX E

BANKER A. J. BABER CONFIRMS MERWIN

THE following letter confirms the oft-repeated assertion by James B. Merwin that Lincoln took part in the prohibition campaign in Illinois in the summer of 1855. The writer of the letter, A. J. Baber, for many years was president of a bank in his home town of Paris, Illinois, and was not a total abstainer. His contribution, sent to John G. Woolley, apparently was wholly in the interest of truth. The letter follows.

January 24, 1914.

Mr. John G. Woolley,
Madison, Wis.

Dear Sir:

I have promised to write you a few lines in regard to Mr. Lincoln being a temperance man. I *know* he was a full-fledged temperance man, but as to being a Prohibitionist, I have forgotten whether he was really a Prohibitionist, but I know he was an ardent temperance man. I saw him many times when he would come to Edgar County to attend court. In early days the lawyers would follow the circuit. The judge would have several counties to hold court in, and the lawyers would start in with the judge and all go together, and this was called the circuit, and Lincoln would follow the circuit; this brought him to Paris twice a year for quite a number of years. And, as Lincoln was an ingenious talker and a fine story-teller, I would frequently wedge in to hear the stories, and whenever the question of liquor would come up, the lawyers would all talk, and most of them would go to the saloon and take a drink, but Lincoln always refused.

I wish to call your attention to the election held in this State in 1855 on the prohibition question. The Legislature passed a bill during the session of 1854 and 1855 to submit the question to a vote of the people. The election was to be held on the fourth of June, 1855. That was in the early settling of the prairie land of our country, when the chills came every year, and also rattlesnakes were bad in the prairie, and we were taught to get a gallon jug of liquor and put a certain amount of roots and herbs in it. It would keep the chills away, and also cure snakebite, and the consequence was that nearly everybody kept a jug in the house, and occasionally got it refilled.

Well, the people nearly all became orators, some taking one side and some the other. Meetings were held at the schoolhouses and meetinghouses and at the cross-roads. It seemed like nearly everybody could talk some, and so it went on. Politics never entered the question until Stephen A. Douglas came out in a great speech in the northwestern part of the State and told the people to bury "Maine Lawism" and "Abolitionism" all in the same grave. Then the Democrats knew what to do. They went in with a whoop against Prohibition, while the Whigs and Republicans were mostly for Prohibition.

I don't know how often Mr. Lincoln spoke, but I will call your attention to one time. While at court session in 1855 my business called me to Paris, and I saw Lincoln and Ficklin, Linder and Judge Harlan, sitting in the shade of the Paris House, and I went to where they were. Becoming acquainted with all of them, they invited me to sit down. I did so, and very soon Lincoln spoke up and said that Col. Baldwin had invited him to come to his place and make a temperance speech, and it was about time he was going. Linder and Ficklin opposed his going—rather made sport of him—but Harlan said: "Let him go. He will prove to the people that they have some rights besides what is in a jug."

Baldwin was to come after Lincoln, but didn't come in time, and Lincoln started afoot and walked to the place of speaking, six miles out. Lincoln expected to meet Baldwin coming, but Baldwin came another road and he missed him. It was a hot day and Lincoln wore a long linen duster, and made the trip just to make a temperance speech—walked six miles on a hot day.

Well, I am getting this story too long. I must close. The election was held and our county (Edgar) voted against Prohibition.

The vote stood: For Prohibition, 810; against Prohibition, 1,331.

The vote in the State was: For Prohibition, 79,010; against Prohibition, 93,102; defeated by 14,092.

While I have forgotten just how Mr. Lincoln stood, I believe he was for Prohibition at that time, but he didn't want to see it made a party question so as to break up the Republican Party that was just forming and coming to the front.

Now, Mr. Woolley, I fear I have stretched this little story probably too long. You may not have time to read it; have written it in a great hurry at night, and had a poor light, so will close. I trust you are well and all right. I am eighty-two years old and making a hand. I would like to hear from you occasionally.

Very truly yours,

A. J. BABER,

Paris, Ill., January 14, 1914.

P. S. I will say here, in 1855 under good old Democratic times, you could buy whisky for 25c per gallon, good whisky at that.

APPENDIX F

MERWIN'S LETTER TO DR. BLAKESLEE

DR. F. D. BLAKESLEE, of Binghamton, Anti-Saloon League District Superintendent, wrote J. B. Merwin concerning Lincoln's temperance principles, and in his letter remarked that the number of persons now living who saw Abraham Lincoln later than Major Merwin did must be few, but that he (Dr. B.) was among the few, having seen and saluted Lincoln at the Washington Navy Yard between five and six o'clock the day he was assassinated. To this Chaplain Merwin replied as follows:

MIDDLEFIELD, CONN., July 5, 1910.

My Dear Dr. Blakeslee:

I read your letter of June 30th with interest and pleasure.

My last interview with the great and good Lincoln is a long story. I knew him from 1854 on to the day he was assassinated. Dined with him that day.

The Cabinet meeting ended early, a little before 12 o'clock. I left him after dinner about 2:30 for New York on a special mission to see Horace Greeley and submit to him a paper Mr. Lincoln had written on using the colored troops for digging the Panama Canal.

Lee had surrendered. Jefferson Davis was a fugitive. The great heart of President Lincoln was burdened with the problem as how best to dispose of the 180,000 colored troops with arms in their hands. Major General Ben Butler said: "Mr. President, I can help you solve that problem. The terms of enlistment of these troops will not expire for a year or more. As a military

measure, take them to Panama and build the canal with them. Make me a major-general, put me in command, and we will take them over and build and own the canal. As fast as possible we will take their families to them; the climate is about the same as they are used to; give them some land, and we will dig and own the canal."

"What does Seward say? What does or what will Congress say?" asked President Lincoln.

"All favorable."

"What will Greeley say?"

He was rather more afraid of Greeley than of Jefferson Davis.

I had known Greeley well; had been on several missions to Mr. Greeley for the President. I could and did go many times where and when his secretaries could not well go, for they were known.

I was not especially known. I was on General Dix's staff in New York. Had charge of the sick and wounded soldiers passing to and from the hospitals through the city at that time. He telegraphed General Dix to send me to Washington by first train. I left New York Tuesday night, reached Washington Wednesday morning. A great crowd of people were around the White House. I held the telegram up. President Lincoln saw it; said, "Come at ten to-night." It was twelve at night before he could get away and lock up. We worked until three A. M. and then retired. Thursday night we worked on the proposition until three A. M. and still it did not quite suit Mr. Lincoln. Friday was cabinet meeting. He locked all the doors at its close and ordered our dinner brought up. He finished the paper. We ate dinner and he read it over. One door was not locked. Mrs. Lincoln came and said: "Abe, the Ford's Theater people have tendered us a box for this evening, and I have accepted it. The Grants are going with us, and I do not want you to make any other engagement."

Mr. Lincoln said: "Mary, I don't think we ought to go to the theater. Do you remember it is Good Friday, a religious day with a great many people, and I don't think we ought to go to the theater to-night."

Mrs. Lincoln said: "We are going."

We finished dinner. He read the paper over again. He folded it carefully and handed it to me saying, "Merwin, we have cleaned up a colossal job. We have abolished slavery. After reconstruction the next great movement on the part of the people will be the overthrow of the legalized liquor traffic, and you know my heart and my hand, my purse and my life will be given to that great movement."

"Mr. Lincoln, shall I make this public?" asked I.

He said, "Yes; publish it as broad as the daylight." With that he shook my hand again and said, "By the way, stop over in Philadelphia and see the editors there."

I stopped over in Philadelphia, waited until 12 o'clock. The editors did not come. I went to the Continental Hotel, and to my room, and then the news came that Lincoln had been assassinated. In the morning I took the cars for New York, waited two hours to see Greeley, and left the paper with Sidney Gay, brother-in-law to Greeley and assistant business manager of the *Tribune*. He gave the paper to Greeley and that was the last of it.

It was mislaid; could not be found. Lincoln had passed on into the eternal silences, and we are not yet "reconstructed."

But we are doing something to abolish the legalized liquor traffic. I am, first, last, and all the time a Prohibitionist, as Mr. Lincoln was, but if I could not prohibit and suppress the traffic in all the territory of the State of New York, if I could persuade a town, city or county to vote it out, I would do that and be thankful. Mr. Lincoln and I canvassed the State of Illinois together for three or more months in 1855. Mr. Lincoln drew the Prohibitory Law. The Legislature passed it,

submitting it to a vote of the people. We came near—we did carry it, but Kentucky, Missouri, and Wisconsin poured in nearly 20,000 illegal votes in the counties bordering on those States, and then with those illegal votes counted, beat us with only a little over 14,000 votes. Some hard cases voted with us. I asked Mr. Lincoln if we wanted such votes.

"Want them? Of course we do. I have lived here many years. I have never seen saints marching in battalions in Illinois yet. First the blade, then the ear, then the full corn, etc. Work with any and all who will help us," Mr. Lincoln said.

"Welcome one, ten, ten thousand," Mr. Lincoln said in his plain, pathetic way. "We must meet the traffic in one of two ways. We must furnish the recruits to keep up the ever-increasing army of drunkards or we must take temptation out of the way of the rising generation by prohibiting it. Which way do you prefer to meet the traffic?"

There was no continued bawl for money. We raised \$25,000 in a few days in Chicago. William B. Ogden, president of the C. & N. W. R. R., sent for Mr. Lincoln and said: "Here is my check for \$2,500. If you need more I will duplicate it whenever you call." Others gave \$500. A large number of bankers in Chicago gave \$500. So, now, if the case is plainly stated, as Mr. Lincoln put it, the money will come—all that is needed.

I am enclosing President Lincoln's "military order" and the indorsement of Lieutenant-General Winfield Scott.

General Scott said: "Shall I make it an order or a request?"

President Lincoln said: "A request will do," and it did do. When General Scott was retired Mr. Lincoln fixed it so I could and should go when and where he wanted me to go.

I am greatly pleased to know that you saw Mr. Lin-

coln the day he was assassinated after I left. I started from Washington about 2:30 or 3 P. M. I did not know that he was intending to ride over to the Navy Yard that evening. I congratulate you upon your good fortune and your memory of him must be a precious recollection.

Most cordially yours,

(Signed) J. B. MERWIN.

APPENDIX G

DR. NATHAN SMITH DAVIS, PIONEER TEMPERANCE ADVOCATE

NATHAN SMITH DAVIS was born January 9, 1817, in the town of Greene, Chenango County, New York. In January, 1837, he graduated from Fairfield College with the degree of Doctor of Medicine. He was on the faculty of the College of Physicians and Surgeons, New York city, and in 1849 accepted the chair of physiology and pathology at Chicago Rush Medical College, holding the chair of practical medicine at the college. Dr. Davis was one of Chicago's most prominent citizens. He was a member of the Methodist Church from boyhood and was a large and frequent contributor to many public and private charities. Perhaps, however, the doctor's prominent characteristic and the one that made him so potential a factor for good was his persistent, arduous, and uncompromising advocacy of temperance and his constant assaults upon the evils of strong drink.

APPENDIX H

EX-SECRETARY ROBERT T. LINCOLN'S LETTER ABOUT MERWIN

1775 N Street, Washington, D. C.
April 30, 1917.

My Dear Mr. White:

My acknowledgment of your letter of April 20 has been delayed by much pressure of work; I am glad to have it with its inclosures.

You will perhaps be surprised to know that I never heard of James B. Merwin until a few months ago when some one wrote me in regard to some of his quotations of my father. I thereupon obtained a book I had not before seen called *Footprints of Abraham Lincoln*, by the Rev. J. T. Hobson, and in this book I found much mention of Mr. Merwin, and I must confess to you that I was dumfounded to know that my father had a friend who claimed such intimacy with him and of whom I knew nothing whatever. I was surprised, too, by some of his statements which indicated that he accompanied my father on a long temperance campaign in Illinois at a time when I supposed my father was giving all the attention he could possibly take away from his professional work, upon which depended his living, in a campaign against the repeal of the Missouri Compromise. You will find in Nicolay & Hay reference to the political work, but none to the temperance work at any such time. You may think that I was too young to do so, but I very well remember that political campaign of my father and even drove him to a number of meetings; if it is true, as I believe

it is, that I never heard him speak of Merwin, it is at least queer. Then as to his dining with my father on the day of his death I can only say this: I arrived from Appomattox on the morning of that day and breakfasted with my father; I do not recall anything about luncheon, but I dined with him and my mother in the evening of that day and I simply know that neither Mr. Merwin nor any other guest was present at the dinner. Perhaps Mr. Merwin did take luncheon with him and calls it dinner; that is entirely possible, but I know nothing of it, and personally I have my doubts as to the truth of the statement. That was a very busy day at the White House; General Grant was in town and conferred with my father; there was a Cabinet meeting, and it is hard to make me believe that on that day he discussed with Mr. Merwin a plan for the extension and completion of the Panama Canal by means of the labor of the freedmen, and plans for his going to New York to secure the views of Horace Greeley and others on that subject.

The sum of this is that while there may be no doubt of Mr. Merwin having done something in the cause of temperance, I cannot help the feeling that in his account of things he has let his imagination run a little wild.

I notice you speak of him with quotation marks as "Major" Merwin. In the inclosures you sent me he is referred to by General Scott as "Mr." Merwin and by my father in the same way. I find in a well-known Army Register that he was appointed by the President, Hospital Chaplain in the Volunteer Service, June 13, 1862, and that he went out of the Service August 21, 1865. I do not think that Chaplains had the rank of Major or were called so.

As an illustration of the growth of inventions, in the book of Dr. Hobson, who never saw my father, I find at page 53 the following statement:

"Mr. Lincoln often 'preached' what he called his 'sermon to boys,' as follows: 'Don't drink, don't gamble, don't smoke, don't lie, don't cheat. Love your fellow men, love God, love truth, love virtue, and be happy.'"

In the inquiry made of me of which I wrote above, a later author improved this invention of Dr. Hobson's as follows:

"The Hon. Robert T. Lincoln has stated that his father never used liquor or tobacco in any form, and quotes the following sermon, as he calls it, which he preached to his boys: 'Don't drink, don't smoke, don't chew, don't swear, don't gamble, don't lie, don't cheat. Love your fellow men and love God. Love truth, love virtue and be happy.'"

I never made the statement nor heard of it until I saw it as indicated.

Very truly yours,

ROBERT T. LINCOLN.

Hon. Charles T. White.

APPENDIX I

LINCOLN AND A PANAMA CANAL

ON account of the fact that President Lincoln, according to the narrative of James B. Merwin, had in mind the employment of Civil War colored soldiers for the construction of a canal across the Isthmus of Panama, explicit treatment of that fact would seem to be fully warranted.

Merwin says that on the very afternoon preceding the assassination of the President he was privately commissioned by the President to see Col. A. K. McClure, of the *Philadelphia Times*, and Horace Greeley, of the *New York Tribune*, concerning the feasibility of a plan by General Benjamin F. Butler for the construction of a Panama Canal, the manual labor to be performed mainly by the colored soldiers. Mr. Merwin in a sense connects Lincoln's uncontroverted statement concerning his hope for the abolition of the drink evil with this mission by Merwin to McClure and Greeley relating to the Butler canal plan.

Lincoln writers have not accorded to this fact the weight which its importance warrants. According to General Butler's own narrative, President Lincoln was very much concerned, following the surrender of Lee and his visit to Richmond, over the possibility of trouble between the white and black races after the colored soldiers had been mustered out of the army. General Butler says that President Lincoln sent for him, and said:

"General Butler, I am troubled about the Negroes. We are soon to have peace. We have got some one hundred and odd thousand Negroes who have been

trained to arms. When peace shall come I fear lest these colored men shall organize themselves in the South, especially in the States where the Negroes are in preponderance in numbers, into guerilla parties, and we shall have down there a warfare between the whites and the Negroes. In the course of the reconstruction of the government it will become a question of how the Negro is to be disposed of. Would it not be possible to export them to some place, say Liberia or South America, and organize them into communities to support themselves? Now, General; I wish you would examine the practicability of such exportation. Your organization of the flotilla which carried your army from Yorktown and Fort Monroe to City Point, and its success, show that you understand such matters. Will you give this your attention, and at as early a date as possible, report to me your views upon the subject?"

General Butler after a few days of preparation called on President Lincoln and after an extended conversation convinced him that the exportation idea was entirely impracticable, one paragraph of his report suggesting that Negro children would be born faster than the government's whole naval and merchant vessels, if all of them were devoted to that use, could carry them from the country.

President Lincoln said that Butler's deductions seemed to be correct; Butler then brought forward his canal suggestion:

"We have," said he, "large quantities of clothing to clothe them, large quantities of provision with which to supply them, and arms and everything necessary for them, even to spades and shovels, mules and wagons. I know of a concession of the United States of Colombia's for a tract of thirty miles wide across the Isthmus of Panama for opening a ship canal. The enlistments of the Negroes have all of them from two to three years to run. Why not send them all down there to dig the

canal? They will withstand the climate, and the work can be done with less cost to the United States in that way than in any other. If you choose, I will take command of the expedition. Shall I work out the details of such an expedition for you, Mr. President?"

President Lincoln, after reflecting for some time, said:

"There is meat in that suggestion, General Butler, there is meat in that suggestion. Go and talk to Seward, and see what foreign complication there will be about it. Then think it over, get your figures made and come to me again as soon as you can."

General Butler called upon Secretary of State Seward and explained in a few words what the President wanted. Seward said:

"Yes, General, I know that the President is greatly worried upon this subject. He has spoken to me of it frequently, and yours may be a solution of it; but to-day is my mail day. I am very much driven with what must be done to-day; but I dine, as you know, at six o'clock. Come and take a family dinner with me, and afterward, over an indifferent cigar, we will talk this matter over fully."

That evening Secretary Seward in his drive before dinner was thrown from his carriage and severely injured, his jaw being broken, and he was confined to his bed until the assassination of Lincoln, and the attempted murder of himself by one of the confederates of Booth, so that the subject was not again brought to President Lincoln by General Butler or Secretary Seward.

But the President, with characteristic tenacity of purpose, followed up the matter by directing Merwin to confer with McClure and Greeley about the feasibility of the scheme, with the result as stated elsewhere by Merwin in his own narrative.

APPENDIX J

TEXT OF MAINE PROHIBITION LAW
(ADOPTED 1851)

An Act for the Suppression of Drinking Houses and
Tippling Shops.

SECTION 1. No person shall be allowed at any time, to manufacture or sell, by himself, his clerk, servant or agent, directly or indirectly, any spirituous intoxicating liquors, or any mixed liquors, a part of which is spirituous or intoxicating, except as hereafter provided.

SEC. 2. The selectmen of any town, and mayor and aldermen of any city, on the first Monday of May, annually, or as soon thereafter as may be convenient, may appoint some suitable person as the agent of said town or city, to sell at some central or convenient place within said town or city, spirits, wine, or any other intoxicating liquor, to be used for medicinal and mechanical purposes, and no other; and said agent shall receive such compensation for his services as the board appointing him shall prescribe; and shall in the sale of such liquors conform to such rules and regulation, as the selectmen, or mayor and aldermen as aforesaid shall prescribe for that purpose. And such agent appointed as aforesaid shall hold his situation for one year, unless sooner removed by the board from which he received his appointment, as he may be at any time at the pleasure of the board.

SEC. 3. Such agent shall receive a certificate from the mayor, and aldermen or selectmen by whom he has been appointed, authorizing him as the agent of such town or city, to sell intoxicating liquors for medicinal and mechanical purposes; but such certificate shall not

be delivered to the person so appointed until he shall have executed and delivered to said board a bond with two good and sufficient sureties in the sum of \$600 in substance as follows:

Know All Men that we, ——— as principal, and ——— and ——— as sureties, are holden and stand firmly bound to the inhabitants of ——— in (or city, as the case may be) in the sum of \$600 to be paid them, to which payment we bind ourselves, our heirs, executors, and administrators, firmly by these presents.

Sealed with our seal, and dated this ——— day of ——— A. D.

The condition of this obligation is such, that whereas, the above bounden ——— has been duly appointed as agent for the town (or city) of ———, to sell within and for and on account of said town (or city) intoxicating liquors for medicinal and mechanical purposes, and no other, until the ——— of ——— A. D., unless sooner removed from said agency.

Now if the said ——— shall in all respects conform to all the provisions of the law relating to the business for which he is appointed, and to such rules and regulations as now are or shall be from time to time established by the board making the appointment, then this obligation to be void; otherwise to remain in full force.

SEC. 4. If any person, by himself, clerk, servant, or agent, shall at any time sell any spirituous or intoxicating liquors, or any mixed liquors, part of which is intoxicating, in violation of the provision of this act, he shall forfeit and pay on the first conviction ten dollars and the cost of prosecution and shall stand committed until the same be paid; on the second conviction he shall pay twenty dollars, and the cost of prosecution, and shall stand or be committed until the same be paid; on the third and every subsequent conviction he shall pay twenty dollars and the costs of prosecution and shall be imprisoned in the common jail not less than

three months, nor more than six months, and in default of the payment of the fine and costs prescribed by this section for the first and second convictions, the convict shall not be entitled to the benefit of Chapter 175 of the Revised Statutes until he shall have been imprisoned two months; and in default of payment of fines and costs provided for the third and every subsequent conviction, he shall not be entitled to the benefits of said Chapter 175 of the Revised Statutes until he shall have been imprisoned four months. And if any clerk, servant, agent, or other persons in the employment or on the premises of another shall violate the provisions of this section, he shall be held equally guilty with the principal and on conviction shall suffer the same penalty.

SEC. 5. Any forfeiture or penalty arising under the above section may be recovered by an action of debt or by complaint before any justice of the peace, or judge of any municipal or police court, in the county where the offense was committed, and the forfeiture so recovered shall go to the town where the convicted party resides for the use of the poor; and the prosecutor, or complainant, may be admitted as a witness in the trial. And if anyone of the selectmen, or board of mayor and aldermen shall approve of the commencement of any such suit, by indorsing his name upon the writ, the defendant shall in no event recover any costs; and in all actions of debt arising under this section, the fines and forfeitures suffered by the defendant, shall be the same as if the action had been by complaint. And it shall be the duty of the mayor and aldermen of any city, and selectmen of any town, to commence an action in behalf of said town or city against any person guilty of a violation of any of the provisions of this act, on being informed of the same, and being furnished with proof of the fact.

SEC. 6. If any person shall claim an appeal from a judgment rendered against him by any judge or justice,

on trial of such action or complaint, he shall, before the appeal shall be allowed, recognize in the sum of one hundred dollars, with two good and sufficient sureties, in every case so appealed, to prosecute his appeal, and to pay all costs, fines and penalties that may be awarded against him, upon a final disposition of such suit or complaint. And before his appeal shall be allowed he shall also, in every case, give a bond, with two other good and sufficient sureties, running to the town or city where the offense was committed, in the sum of two hundred dollars, that he will not, during the pendency of such appeal, violate any of the provisions of this act. And no recognizance, or bond, shall be taken in cases arising under this act except by the justices or judges before whom the trial was had; and the defendant shall be held to advance the jury fees in every case of appeal in an action of debt; and in the event of a final conviction before a jury, the defendant shall pay and suffer double the amount of fines, penalties, and imprisonment awarded against him by the justice or judge from whose judgment the appeal was made. The forfeiture of all bonds and recognizances given in pursuance of this act shall go to the town or city where the offense was committed for the use of the poor; and if the recognizances and bonds mentioned in this section shall not be given within twenty-four hours after the judgment, the appeal shall not be allowed; the defendant in the meantime to stand committed.

SEC. 7. The mayor and aldermen of any city, and the selectmen of any town, whenever complaint shall be made to them that a breach of the conditions of the bond given by any person appointed under this act has been committed, shall notify the person complained of, and if upon a hearing of the parties it shall appear that any breach has been committed, they shall revoke and make void his appointment. And whenever a breach of any bond given to the inhabitants of any city or town,

in pursuance of any of the provisions of this act, shall be made known to the mayor and aldermen, or selectmen, or shall in any manner come to their knowledge, they, or some one of them, shall, at the expense and for the use of said city or town, cause the bond to be put in suit in any court proper to try the same.

SEC. 8. No person shall be allowed to be a manufacturer of any spirituous or intoxicating liquor, or common seller thereof, without being duly appointed as aforesaid, on pain of forfeiting on the first conviction the sum of one hundred dollars and costs of prosecution, and in default of the payment thereof the person so convicted shall be imprisoned in the common jail sixty days; and on the second conviction the person so convicted to pay the sum of two hundred dollars and the costs of prosecution, and in default of payment shall be imprisoned four months in the common jail; and on the third and every subsequent conviction shall pay the sum of two hundred dollars and be imprisoned four months in the common jail of the county where the offense was committed; said penalties to be recovered before any court of competent jurisdiction, by indictment, or by action of debt in the name of the city or town where the offense shall be committed. And whenever a default shall be had of any recognizance arising under this act, *scire facias* shall be issued, returnable at the next term, and the same shall not be continued, unless for good cause, satisfactory to the court.

SEC. 9. No person engaged in the unlawful traffic in intoxicating liquors shall be competent to sit upon any jury in any case arising under this act; and when information shall be communicated to the court that any member of any panel is engaged in such traffic, or that he is believed to be so engaged, the court shall inquire of the jurymen of whom such belief is entertained; and no answer which he shall make shall be used against him in any case arising under this act; but if he shall

answer falsely, he shall be incapable of serving on any jury in this State, but he may decline to answer, in which case he shall be discharged by the court from all further attendance as a jurymen.

SEC. 10. All cases arising under this act, whether by action, indictment, or complaint, which shall come before a superior court, either by appeal or original entry, shall take precedence in said court of all other business, except those criminal cases in which the parties are under arrest awaiting a trial; and the court, and prosecuting officers shall not have authority to enter a *nolle prosequi*, or to grant a continuance in any case arising under this act either before or after the verdict, except where the purposes of justice shall require it.

SEC. 11. If any three persons voters in the town or city where the complaint shall be made shall, before any justice of the peace, or judge of any municipal or police court, make complaint under oath or affirmation, that they have reason to believe, and do believe, that spirituous or intoxicating liquors are kept or deposited, and intended for sale by any persons not authorized to sell the same in said city or town under the provisions of this act, in any store, shop, warehouse, or other building or place, in said city or town, said justice or judge shall issue his warrant of search to any sheriff, city marshal, or deputy, or to any constable, who shall proceed to search the premises described in said warrant, and if any spirituous or intoxicating liquors are found therein, he shall seize the same, and convey them to some proper place of security, where he shall keep them until final action is had thereon. But no dwelling house in which, or in part of which, a shop is not kept, shall be searched unless at least one of said complainants shall testify to some act of sale of intoxicating liquors therein, by the occupant thereof, or by his consent or permission, within at least one month of the time of making said complaint. And the owner or keeper of

said liquors, seized as aforesaid, if he shall be known to the officer seizing the same, shall be summoned forthwith before the justice or judge by whose warrant the liquors were seized, and if he fails to appear, or unless he can show by positive proof that said liquors are of foreign production, that they have been imported under the laws of the United States, and in accordance therewith, that they are contained in the original packages in which they were imported, and in quantities not less than the laws of the United States prescribe, they shall be declared forfeited, and they shall be destroyed by authority of the written order to that effect of said justice or judge and in his presence, or in the presence of some person appointed by him to witness the destruction thereof, and who shall join with the officer by whom they shall have been destroyed in attesting that fact upon the back of the order by authority of which it was done; and the owner or keeper of such liquors shall pay a fine of twenty dollars and costs, or stand committed for thirty days, in default of payment, if in the opinion of the court said liquors shall have been kept or deposited for the purposes of sale. And if the owner or possessor of any liquors seized in pursuance of this section shall set up the claim that they have been regularly imported under the laws of the United States and that they are contained in the original packages, the customhouse's certificates of importation and proofs of marks on the casks or packages corresponding thereto shall be received as evidence that the liquors contained in such packages are those actually imported therein.

SEC. 12. If the owner, keeper, or possessor of liquors seized under the provisions of this act shall be unknown to the officer seizing the same, they shall not be condemned and be destroyed until they shall have been advertised, with the number and description of the packages, as near as may be, for two weeks, by posting up a

written description of the same in some public place that if such liquors are actually the property of any city or town in the State, and were so at the time of the seizure, purchased for sale by the agent of said city or town, for medicinal or mechanical purposes, only, in pursuance of the provisions of this act, they may not be destroyed; but upon satisfactory proof of such ownership within said two weeks before the justice or judge by whose authority said liquors were seized, said justice or judge shall deliver to the agent of said city or town, an order to the officer having said liquors in custody, whereupon said officer shall deliver them to said agent, taking his receipt therefor upon the back of said order, which shall be returned to said justice or judge.

SEC. 13. If any person claiming any liquors seized as aforesaid shall appeal from the judgment of any justice or judge by whose authority the seizure was made, to the district court, before his appeal shall be allowed, he shall give a bond in the sum of two hundred dollars, with two good and sufficient sureties to prosecute his appeal, and to pay all fines and costs which may be awarded against him; and in the case of any such appeal, where the quantity of liquors so seized shall exceed five gallons, if the final decision shall be against the appellant that such liquors were intended for him by sale, he shall be adjudged by the court a common seller of intoxicating liquors, and shall be subject of the penalties provided for in section eight of this act; and said liquors shall be destroyed as provided for in section eleven, but nothing contained in this act shall be construed to prevent any chemist, artist, or manufacturer, in whose art or trade they may be necessary, from keeping at his place of business such reasonable and proper quantities of distilled liquors as he may have occasion to use in his art or trade, but not for sale.

SEC. 14. It shall be the duty of any mayor, alderman, selectman, assessor, city marshal, or deputy or con-

stable, if he shall have information that any intoxicating liquors are kept or sold in any tent, shanty, hut or place of any kind for selling refreshments in any public place, on or near the ground of any cattle show, agricultural exhibition, military muster, or public occasion of any kind, to search such suspected place, and if such officer shall find upon the premises, any intoxicating drinks, he shall seize them and arrest the keeper or keepers of such place, and take them forthwith, or as soon as may be, before some justice or judge or municipal or police court, with the liquors so found or seized, and upon proof that such liquors are intoxicating, that they were found in the possession of the accused, in a tent, shanty, or other place as aforesaid, he or they shall be sentenced to imprisonment in the county jail for thirty days, and the liquor so seized shall be destroyed by order of said justice or judge.

SEC. 15. If any person arrested under the preceding section, and sentenced as aforesaid, shall claim an appeal, before his appeal shall be allowed, he shall give a bond in the sum of one hundred dollars, with two good and sufficient sureties, that he will prosecute his appeal and pay all fines, costs, and penalties that may be awarded against him. And if on such appeal the verdict of the jury shall be against him, he shall in addition to the penalty awarded by the lower court, pay a fine of twenty dollars. In all cases of appeal under this act from the judgment of a justice or of a judge of any municipal or police court to the district court, except where the proceeding is by action of debt, they shall be conducted in said district court by the prosecuting officer of the government, and said officer shall be entitled to receive all costs taxable to the State, in all criminal proceedings under this act, in addition to the salary allowed to such officer by law, but no costs in such cases shall be remitted or reduced by the prosecuting officer or the court. In any suit, complaint, in-

dictment, or other proceeding against any person for a violation of any of the provisions of this act, other than for the first offense, it shall not be requisite to set forth particularly the record of a former conviction, but it shall be sufficient to allege briefly that such person has been convicted of a violation of the fourth section of this act, or as a common seller as the case may be, and such allegation in any civil or criminal process, in any stage of the proceeding, before final judgment, may be amended without terms and as a matter of right.

SEC. 16. All payments or compensations for liquor sold in violation of law, whether in money, labor, or other property, either real or personal, shall be held and considered to have been received to have been in violation of law, and without consideration, and against law, equity, and a good conscience, and all sales, transfers, and conveyances, mortgages, liens, attachments, pledges and securities of every kind which either in whole or in part shall have been for or on account of spirituous or intoxicating liquors, shall be utterly null and void against all persons and in all cases, and no rights of any kind shall be acquired thereby; and in any action, either at law, or equity, touching such real or personal estate, the purchaser of such liquors may be a witness for either party. And no action of any kind shall be maintained in any court in this State, either in whole or in part, for intoxicating or spirituous liquors sold in any other State or country whatever, nor shall any action of any kind be had or maintained in any court of this State, for the recovery or possession of intoxicating or spirituous liquors, or the value thereof.

SEC. 17. All the provisions of this act, relating to towns, shall be applicable to cities and plantations; and those relating to selectmen shall also be applied to the mayor and aldermen of cities and assessors of plantations.

SEC. 18. The act entitled An Act to Restrict the Sale

of Intoxicating Drinks, approved August sixth, 1846, is hereby repealed, except the thirteen sections from Section 10 to Section 22 inclusive, saving and reserving all actions or other proceedings, which are already commenced by authority of the same; and all other acts, and parts of acts, inconsistent with this act are hereby repealed. This act to take effect from and after its approval by the governor.

APPENDIX K

THE ILLINOIS 1855 PROHIBITION LAW FRAMED BY ABRAHAM LINCOLN

AN ACT for the suppression of intemperance, and to amend Chapter 30 of the Revised Statutes

Sale of
intoxicating
liquors
prohibited

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That no person shall, at any time or place, within this State, manufacture or sell, or shall, at any store, grocery, tavern, or place of trade, entertainment or public resort, or railroad or canal, or in any of the appurtenances or dependencies of any such place, give away, contrary to the provisions of this act, by himself, his servant or agent, directly or indirectly, any spiritous or intoxicating liquor, or any mixed liquor, of which a part is spiritous or intoxicating, except as hereinafter provided; and ale, porter, lager beer, cider, and all wines, are included among intoxicating liquors within the meaning of this act.

Not to extend
to cider and
wine manufac-
tured in the
State

S. 2. Nothing contained in this act shall be construed to forbid the making of cider from apples, or wine from grapes, currants, or other fruit grown or gathered by the manufacturer, in this State, or the selling of such cider or wine, in quantities not less than one gallon, if made in this State, by the maker thereof; nor shall anything

herein prohibit the brewing of ale, porter, or lager beer, if manufactured in this State, and exported and sold in not less quantities than thirty gallons, without the limits of the same; and the person or persons manufacturing or selling such ale, porter, or lager beer shall have first given bond as required by the third section of this act of persons engaged in the manufacture of alcohol or high wines; and any other manufacture or sale of such wine, cider, ale, porter, or lager beer shall be deemed an unlawful (sale) within the meaning of this act.

S. 3. Nothing in this act shall be construed to forbid the sale, by the importer thereof, of foreign spiritous or intoxicating liquors, imported under the authority of the laws of the United States regarding the importation of such liquor, and in accordance with said laws: *Provided*, that the said liquor, at the time of sale by said importer, remains in the original casks or packages in which it was by him imported, and in quantities in which the laws of the United States require such liquor to be imported, and is sold by him in said casks or packages, and in said quantities only; and the customhouse certificate of importation, and proof of marks on the casks or packages in which such liquor is contained, corresponding thereto, shall not be received as evidence that the liquor contained in such packages is that actually imported therein: *Provided*, that nothing in this act contained shall be construed to prevent the manufacture of alcohol and high wines, if

Not to extend to imported liquors when not sold in less quantities than 30 gallons

Proviso

Proviso

not adapted to use as a beverage, provided the same be exported out of this State in quantities not less than thirty gallons. No license shall be required to manufacture such liquor for exportation and sale as aforesaid, but such manufacturer shall be required to give bond as provided in case of other manufacturers, so far as applicable.

License when
and by whom
granted to
manufacturers

S. 4. The county court of any county, or in counties having township organization, the board of supervisors may, by certificates signed by two thirds of the judges, or by two thirds of the boards of supervisors, give all persons who shall, in writing, apply to them therefor, authority to manufacture, at such places only within said county as said court or board of supervisors shall, in said certificate, designate, spiritous or intoxicating liquors, and to sell the same in those places only, to duly authorized agents of cities, towns, and counties in this State; but such authority shall not continue, in any case, longer than one year from the date of the certificate in that case given, and may be at any time revoked by said court or board of supervisors; and no person shall receive such a certificate, or exercise such authority until he shall have executed and delivered to the treasurer of said county a bond, with at least two good and sufficient sureties, in a sum not less than one thousand dollars nor more than ten thousand dollars, as said county court or board of supervisors shall require, conditioned that he will not, at any time during the year next following

Licensed
persons
to give
bond

the date of his said certificate, infringe in any manner or degree any provision of this or any law of this State touching the manufacture or sale of spiritous or intoxicating liquors. If any person so authorized and bound shall break the condition of such bond, said bond shall forthwith be put in suit; his said certificate and authority shall instantly become void, and he shall not thereafter be permitted to manufacture or sell any spiritous or intoxicating liquor, and shall, moreover, be subject to all the penalties herein provided against the manufacture, sale, or giving away spiritous or intoxicating liquors contrary to the provisions of this act. The county court or board of supervisors shall not have the power to grant such authority to manufacture liquor for the purpose aforesaid, within the limits of any incorporated town or city in this State; but such authority may be granted and certificates issued by the common council of said city or the president and trustees of said town, in the manner and upon the conditions above specified as applicable to the county court or board of supervisors, and the bond required shall be made payable to the treasurer of said town or city.

S. 5. The mayor and aldermen of any city may, within such city, the president and trustees of any incorporated town may, within such town, the board of supervisors, in counties having township organization, may, within townships not within a city or incorporated town, and in counties not having township organization, the county

License to sell,
when and
by whom
granted

court may, in any precinct without the limits of any incorporated town or city, as hereinafter provided, at any meeting of their board, court or body, duly convened, upon reasonable notice to every member thereof, appoint some suitable person or persons as agent or agents of said city, town or county, for the purchase of spirituous and intoxicating liquors, and for the sale thereof within such city, town, township, or precinct, for sacramental, medicinal, chemical, and mechanical uses only; which such agents may be removed and others appointed in their stead, at pleasure, by the body appointing, or their successors in office, or a majority of them; but no more than one agent shall be appointed in any town, township, or precinct containing less than two thousand inhabitants, and not more than two in any incorporated town, city, township, or precinct containing less than ten thousand inhabitants, and not more than three such agents in any city, except the city of Chicago, and not more than five such agents shall be in office at the same time in the said city of Chicago. The county court of the counties which have not adopted the township organization, at any regular meeting of the court for the transaction of county business may, in their discretion, upon the petition of a majority of the legal voters of any precinct, not being an incorporated town or city of the State, or in the limits thereof, appoint one such agent for said precinct. No inn-keeper, or keeper of a public eating house, or of a house of public entertainment, shall be ap-

County
court

pointed such agent. Every such agent shall hold his office for one year, unless sooner removed; he shall sell such liquor only in the one place designated in writing by the body appointing him; he shall, in the purchase and sale of such liquor, conform to such rules and regulations as the said body appointing him shall prescribe, not inconsistent with the provisions of this act; he shall keep an accurate account of all his purchases and all his sales, specifying in such account the kind, quantity, and price of the liquor bought by him, the date of each purchase made by him, and the name of the person of whom such purchase was made, the kind, quantity, and price of liquor sold by him, the date of each sale made by him, the name of the purchaser at every such sale, and the use for which the liquor on every such sale was sold, as stated by the purchaser, and of all forfeited liquor by him received and sold or destroyed; which account shall be at all times open to the inspection of the body appointing such agent, or any member thereof; and when required by said body, or a majority of them, he shall account with them regarding all his dealings as such agent, and exhibit to them all receipts, bills, books, papers of every kind, relating to such dealings, or to his accounts; he shall sell such liquor at not more than twenty-five per cent advance upon the cost thereof, and shall, when required by the body appointing him, pay over the proceeds of his sales to the treasurer of the body so appointing him, and he shall semiannually,

Duties
of agent

or oftener, if required by the body so appointing him, make a report, verified by his oath or affirmation, of all his purchases, and the costs thereof, and of his sales, and the proceeds thereof, specifying the number of sales, the respective quantities and kinds sold for each of the purposes of sacramental, medicinal, chemical and mechanical uses, and the quantity and kind and cost of all liquors remaining on hand at the time of such meeting, and of all forfeited liquors by him received and sold or destroyed; which report, however, shall not specify the names of the persons to whom his sales may have been made.

Compensation

He shall receive for his services such fixed and stipulated compensation as said body appointing said agent shall prescribe, but the amount of said compensation shall not be increased by reason of any increase or diminution of the sales of such liquor by such agent, and he shall not be in any way, except as one of the inhabitants of the city, town, county, or precinct, interested in said liquor, or in the purchase or sale thereof, or in the profits thereon; and no such agent shall be authorized to sell or give away any spiritous or intoxicating liquors, or any such liquors mixed with soda water, or any other compound, liquid, or otherwise, to be drank, taken, or used as medicine or otherwise, in their store, shop, or place of business, or any of the appurtenances or dependencies thereof; but any such sale or giving away shall subject the said agent to the same penalties provided for the sale or giving away of liquors contrary to the pro-

visions of this act. If any person purchasing any spiritous or intoxicating liquor of such agent shall intentionally make to such agent any false statement regarding the use to which such liquor is intended by the purchaser to be applied, such person so offending shall, upon conviction thereof, forfeit and pay a fine of fifty dollars, together with costs of his prosecution, to be recovered by an action of debt, before any justice of the peace, or, if the offense is committed within a city, police magistrate of any such city, or by indictment in the circuit court of the proper county. Every such agent shall receive, from the body appointing him, a certificate authorizing him as agent of said town, city or county, as the case may be, to sell at the place mentioned in such certificate spiritous or intoxicating liquors for sacramental, medicinal, chemical, and mechanical uses only; which said certificate, when granted by any common council of a city, or president and trustees of a town, or county court, or board of supervisors, shall be issued by the clerks of said bodies, respectively, attested by their common or corporate seal, or in case there is no such seal, then by the private seal of said clerk. Said agent shall not receive any such certificate, or exercise his office until he shall have executed and delivered to the body appointing him, for the use of the city, town, or county appointing him, a bond, with at least two good and sufficient sureties, approved by said body appointing him, in a sum not less than six hundred dollars, in substance as follows:

Penalty

Certificate
to be given
to the agent
appointed

Form of bond

"Know all men that we, ———, as principal, and ———, as sureties, are held and firmly bound to ———, in the sum of ——— dollars, to be paid to said ———. to which payment we bind ourselves, our heirs, and executors, and administrators, firmly by these presents. Sealed with our seals, and dated at ———. this ——— day of ———, A. D.

"The condition of this obligation is such, that whereas the above bounden ——— has been appointed an agent for said ———, to sell within said ——— and on account of said ———, spiritous or intoxicating liquors, to be used for sacramental, medicinal, chemical, and mechanical purposes only, until the ——— day of ———. A. D., unless he be sooner removed from his agency. Now if the said ——— shall in all respects conform to the provisions of the law in relation to his agency, and the laws of this State relating to the sale of spiritous or intoxicating liquors, then this obligation to be void."

Penalty

S. 6. If any such agent shall break the condition of such bond, such bond shall be forthwith put in suit, and his said certificate and appointments shall immediately become void, and he shall not thereafter be permitted to act as agent for the sale of liquors anywhere in this State; and, moreover, for any such violation shall be liable to the same penalties herein by this act provided for the illegal sale or giving away of liquors contrary to the provisions of this act.

S. 7. Every person who shall, in violation of this act, manufacture spiritous or intoxicating liquor, or mixed liquor of which a part is spiritous or intoxicating liquor, shall pay, on his first conviction for said offense, a fine of one hundred dollars and the costs of prosecution, and in default of payment thereof shall be imprisoned sixty days in the common jail; on his second conviction for said offense he shall pay a fine of two hundred dollars and the costs of prosecution, and in default of payment thereof he shall be imprisoned four months in the common jail; and on every subsequent conviction for said offense he shall pay a fine of two hundred dollars and be imprisoned four months in the common jail. Every prosecution under this section, if the offense is committed within the limits of any city, shall be heard and determined before the police magistrate's court, and said court shall, upon every conviction, order that the person so convicted shall stand committed until the fine and costs are fully paid; or, if upon the first conviction, until he shall have been imprisoned sixty days, and also that he be imprisoned for the period herein provided, if upon a subsequent conviction; or such prosecutions for offenses against the provisions of this section, when committed without the limits of a city, shall, in the first instance, be brought before any justice of the peace of the proper county, who shall thereupon proceed in the same manner as provided for in the 203d section, of Chapter XXX, of the Revised Statutes, in

Penalty for
the violation
of the pro-
visions of this
act after first
conviction

Penalty for
giving away
or exchanging
for other
property

reference to the violations of the provisions of that chapter.

S. 8. If any person, in violation of this act, by himself, his servant or agent, shall, for himself or anybody else, directly or indirectly, or on any pretense, or by any device, sell, or in consideration of the purchase of any other property give to any person any spiritous or intoxicating liquor, or any liquor of which part is spiritous or intoxicating, or shall at any store, grocery, tavern, or place of trade, entertainment, or public resort, or in any of the appurtenances or dependencies of any such place or any public place, give away any such liquors, he shall pay, on his first conviction for said offense, fifty dollars and the costs of prosecution; and on the second conviction for said offense he shall pay a fine of one hundred dollars and costs of prosecution, and on every subsequent conviction he shall pay a fine of two hundred dollars and the costs of prosecution, and shall be imprisoned not less than three months nor more than six months. Every prosecution under this section shall, if the offense is committed within the corporate limits of any city, be heard and determined before one of the police magistrate's courts in said city, and said police magistrates are authorized and required, in case of conviction, to order the person or persons so convicted to stand committed until the fine and costs are fully paid, and also to commit said convicted persons for the term of imprisonment for which they may be sentenced. In cases of trial by jury under

this section, the jury shall fix the time of imprisonment in case of conviction as above provided, but if the accused shall plead guilty, or shall consent to the trial by said police magistrate, then the said police magistrate may fix the term of imprisonment; or prosecutions for the first and second of said offenses, when committed without and beyond the limits of any city, shall be brought in the first place before any justice of the peace of the county where said offenses may be committed, who may hear and determine the same, and upon conviction, issue execution against the goods and chattels for the fine and costs, or the said justice in his discretion may proceed according to section 203d, of Chapter XXX, of the Revised Statutes, and in the manner therein provided for offenses against the provisions of that chapter; and prosecutions for the third or any subsequent offense committed without the limits of any city, shall also be first brought before any justice of the peace of the proper county, who shall thereupon proceed according to said section 203d, of Chapter XXX, Revised Statutes.

All clerks, agents, and servants of every kind employed in selling or keeping for sale, or giving away, in violation of the provisions of this act, of any spiritous or intoxicating liquor, or any mixed liquor, a part of which is spiritous or intoxicating, shall incur the same penalties and be prosecuted against in the same manner as principals, and may in the information, indictment, or complaint, be charged in

Penalties
applicable
to clerks,
agents and
servants

the same manner and be convicted, whether their principals be convicted or not. No such clerk, servant, or agent shall be excused from testifying against his principal upon the ground or for the reason that he may thereby criminate himself; but no testimony so given by him shall in any prosecution be used as evidence, either directly or indirectly, against said clerk, servant, or agent, nor shall he thereafter be prosecuted for any offense so disclosed by him.

Penalty for
the violation
of the pro-
visions of
this act

S. 9. No person shall own or keep any spiritous or intoxicating liquor, or any mixed liquor of which a part is spiritous or intoxicating, with intent to sell or give away the same in violation of this act, or to permit the same to be sold or given away in violation of this act; and every person who shall own or keep any such liquor with any such intent, shall, on his first conviction for said offense, pay a fine of fifty dollars and the costs of prosecution; on his second conviction shall pay a fine of one hundred dollars and costs of prosecution; on every subsequent conviction for said offense he shall pay a fine of two hundred dollars and the costs of prosecution, and shall be imprisoned not less than three nor more than six months. Every prosecution for said offenses when committed within the corporate limits of any city in this State, shall be heard and determined by one of the police magistrates of said city, and such magistrate is authorized and required to order any person so convicted before him to stand committed until

the fine and costs imposed hereby are fully paid, and to stand committed for the time of imprisonment for which he may be sentenced, as herein provided for; and when said offenses shall be committed beyond the limits of any city, then said prosecutions shall first be brought before some justice of the peace of the proper county, who may hear and determine prosecutions for the first and second offenses, and issue executions against the goods and chattels of any person convicted before him therefor; or the said justice, in his discretion, may proceed according to section 203, of Chapter XXX, in the Revised Statutes, in the manner provided therein in relation to offenses against such chapter; and every prosecution for a subsequent offense so committed beyond the limits of any city, shall first be brought before some justice of the peace of the proper county, who shall thereupon proceed according to said section 203, of Chapter XXX, Revised Statutes. And upon the trial of every complaint for the violation of this section or of the eighth section of this act, proof of the finding of the liquor specified in the complaint in the possession of the accused, in any place except his private dwelling house or its dependencies (or in such dwelling house, or dependencies if the same be a tavern, public eating house, grocery, or other place of public resort), shall be received by the court, magistrate, or justice of the peace, as presumptive evidence that such liquor was kept for sale contrary to the provisions of this act.

Appeal may
be taken

S. 10. Any person may appeal from a final judgment rendered against him by a justice of the peace for a first or second offense under section eight or section nine, and from any final judgment of a police magistrate of any city, to the circuit court of the county wherein said judgment may have been rendered: *Provided*, he shall forthwith give bond in not less than five hundred dollars, with at least two good and sufficient sureties, with condition to appear at the court appealed to, and there to prosecute his appeal and to abide the sentence of the court thereon, and that he will not, during the pendency of such appeal, violate the provisions of this act. Said bond may be approved by the justice of the peace or police magistrate rendering the judgment or by the clerk of the circuit court, in the manner provided by law in other cases.

Nuisance

S. 11. All spiritous or intoxicating liquors, and all mixed liquors, of which a part is spiritous or intoxicating, intended by the owner or keeper thereof to be sold or given away, in violation of this act, shall, with the vessels in which it is contained, be deemed a nuisance, and shall, with said vessels, be forfeited to the city, town, or county in which it is kept.

Written
complaint
to be made

S. 12. If any two or more persons, residents in any city, county, or town, being of full age, shall before a justice of the peace of the county or police magistrate of said city, make written complaint that any spiritous or intoxicating liquor, or any mixed liquor, of which a part is spiritous

or intoxicating (described as nearly as may be in said complaint) is in said town, city, or county in any place described as nearly as may be in said complaint, or in any steamboat, or water craft of any kind, depot, railroad car or land carriage of any kind, described as nearly as may be in said complaint, or in a street or public highway, or any public place whatsoever, described as nearly as may be in said complaint, kept, owned, or carried by any person or corporation, described as nearly as may be in said complaint, and is intended by him or them to be sold or given away in violation of this act; and if said complainants shall, before said justice or police magistrate, as the case may be, make oath or affirmation that they have reason to believe, and do believe, to be substantially true the allegations in said complaint, said justice or police magistrate, as the case may be (upon finding probable cause for said complaint), shall issue his warrant of search, directed to the sheriff of the county, his deputy, or any constable of said county, or if to be executed within the limits of a city, to the sheriff of the county, his deputy, or any constable of the county or city marshal of said city or his deputies, describing as nearly as may be the liquor and the place described in said complaint, and the person described in said complaint as the owner or keeper of said liquor, and commanding said officer to search thoroughly the said place, to seize said liquor, with the vessels containing it, and to keep the same securely until final

Proviso

action be had thereon: *Provided, however,* that if the place to be searched be a dwelling house in which any family resides, and in which no tavern, eating house, grocery, or other place of public resort is kept, such warrant shall not be issued, unless one at least of said complainants shall on oath or affirmation before said justice or police magistrate declare that he has reason to believe, and does believe, that within one month next before the making of said complaint, spiritous or intoxicating liquor, or mixed liquor, of which a part is spiritous or intoxicating, has been, in violation of this act, sold in said house or in some dependency thereof, by the person accused in said complaint, or by his consent or permission; nor unless from the facts and circumstances disclosed by said complaint to said justice or police magistrate, said justice or police magistrate shall be of opinion that said complainant has adequate reason for such belief. Whenever the offense shall be alleged to be without and beyond the limits of an incorporated town or city, then the complaint herein provided for may be made by any residents of the county before any justice of the peace of the county, and warrant of search may be issued by such justice in the manner herein above provided.

Duty of justices
of the peace
and police
magistrates

S. 13. Whenever upon such warrant such liquor shall have been seized, the justice or police magistrate issuing said warrant shall, within forty-eight hours after such seizure, cause to be posted upon some public place within such town, city,

or (in case the said liquor is so found without the limits of an incorporated town or city), county, and to be left at the place where said liquor was seized, if said place be a dwelling house, store, or shop, and to be left with or at the last usual place of abode of the person named in said complaint as owner or keeper of said liquor, if such person be a resident of this State, a notice summoning such person, and all others whom it may concern, to appear before said justice or police magistrate, at a place and time named in said notice, which time shall not be less than two or more than four weeks after the posting and leaving of said notices, and show cause, if any they have, why said liquor should not be forfeited, with the vessels containing it; and said notice shall, with reasonable certainty, describe said liquor and vessels, and state where, when, and why the same were seized. At the time and place prescribed in said notice the person named in such complaint, or any person claiming an interest in said liquor and vessels, or any part thereof, may appear and show cause why the same should not be forfeited. If any person shall then and there so appear, he shall become a party defendant in said cause, and said justice or police magistrate shall make a record thereof. Whether any person so appear or not said complainants or either of them, or upon the failure of such complainants the officer having such liquor in custody, shall appear before said justice of the peace, or police magistrate, and prosecute said complaint, and show

cause why such liquor should be adjudged forfeited; and said justice or police magistrate shall make a record of such appearance and the name of such prosecutor, and shall proceed to inquire whether said liquor and vessels be liable to forfeiture; and if upon the evidence then and there presented to him he shall find that said liquor or any part thereof was, when seized, kept or carried by any person for the purpose of being sold or given away in violation of this act, said justice or police magistrate shall render judgment that said liquor, or said part thereof, with the vessels in which it is contained, is forfeited. If no person be made defendant in manner aforesaid, or if judgment be in favor of all the defendants who appear, then the costs of the proceedings shall be paid by the city, town, or (if the said liquor is found as aforesaid without and beyond the limits of an incorporated town or city) county. If the judgment of said justice or police magistrate shall be against only one defendant appearing as aforesaid, he shall pay all the costs of the proceedings in the seizure and detention of the liquor claimed by him up to that time and of said trial. But if such judgment shall be against more than one party defendant claiming distinct interest in said liquor, then the costs of said proceedings and trial shall be equitably, according to the discretion of said justice or police magistrate, apportioned among said defendants; and in either case such costs shall be collected by execution or executions issued by said justice or

police magistrate against the property and (if said executions are issued by a police magistrate) bodies of the defendants whose duty it is to pay the same, and paid into the treasury of the town, city, or county, as the case may be, where the said liquor was seized. And if any such execution shall not be forthwith paid, the defendant in execution, if said execution shall have been issued by a police magistrate, shall be committed to jail, and shall not be released therefrom until he shall have paid said execution and the costs of his commitment and detention, or if said execution is issued by a police magistrate, until he shall have been imprisoned thirty days at least. The said justice of the peace or police magistrate shall have power to continue to another time, not exceeding fifteen days, the hearing of the question of forfeiture as herein provided and also to adjourn the same from day to day until determined. Any person appearing as aforesaid may appeal from said judgment of forfeiture (as to the whole or any part of the liquor and vessels so adjudged forfeited) to the circuit court next to be holden in the county wherein such judgment is rendered, but his appeal shall not be allowed until he shall give bonds, with good and sufficient security, to be approved by the justice or police magistrate before whom said judgment shall be rendered, to the treasurer of the town, city, or county, as the case may require, in such an amount as said justice or police magistrate shall order, not less than five hundred dollars,

Appeal may
be taken

conditioned that he appear before said circuit court and prosecute his said appeal and abide the order of the court thereupon, and also, that he will not, during the pendency of said appeal, violate any of the provisions of this act; and in each instance in which any such appeal or appeals is or are allowed, said justice or police magistrate shall transmit to the clerk of said court, within ten days thereafter, and on or before the first day of the term to which said appeal or appeals shall be taken, a copy of said record, by him made, of the original complaint, and all proceedings had before him in the case and said complaint; and the case or cases arising upon said appeal or appeals shall thereupon be pending before said circuit court. If before said circuit court no party so appealing shall appear, the appeal bond or bonds shall be forfeited, and said court shall render judgment that the liquor and vessels in respect to which said appeal or appeals has or have been taken are forfeited; but if any party or parties so appealing shall appear, said court shall proceed to try, by jury, the issue or issues arising upon said appeal or appeals, severally or collectively, as said court may deem proper; and if by verdict of the jury, accepted by the court, it is found that said liquor, in respect to which any appeal was taken, was, when seized, kept by any person for the purpose of being sold or given away in violation of this act, then said liquor and vessels containing it shall be adjudged forfeited, and said court shall

tax the costs arising upon said appeal against said party appealing, and order him to pay the same forthwith; and for the payment thereof, according to said order, his said appeal bond shall stand as security, and said defendant may by said court be committed to jail until the fine and costs are paid.

S. 14. Whenever it shall be finally decided that liquor seized as aforesaid is forfeited, the justice of the peace, police magistrate, or other court rendering final judgment of forfeiture, shall issue to the officer having said liquors in custody, or to some other proper officer, a written order, directing him to deliver said liquor, and the vessels containing it, to some agent duly appointed for the sale of intoxicating liquors in the city, town, township, or precinct of the county where said liquor was seized, or in case there be no such agent in said city, town, township, or precinct, then to some other such agent in some other city, town, township, or precinct in the same county, which order the said officer, after obeying the commands thereof, shall return to said court with his doings thereon indorsed. Said agent shall receive said liquor and vessels, and if, in his opinion, the same, or any part thereof, be fit to be sold for any lawful uses, he shall sell the same, or such part thereof, in the course of his agency, for the benefit of the city, town, or county, as the case may be, wherein the same were seized; and if, in his opinion, the same, or any part thereof, be not fit to be sold, he shall de-

Forfeited
liquors to
be delivered
to agent

stroy the same, or such part thereof. Whenever it shall be finally decided that any liquor so seized is not liable to forfeiture, the court so deciding shall issue a written order to the officer having the same in custody, or to some other proper officer, to restore said liquor, with the vessels containing it, to the place where it was seized, as nearly as may be, or to the person entitled to receive it, which order the said officer, after obeying the commands thereof, shall return to said court with his doings thereon indorsed. And the costs of the proceedings in such case shall be taxed and paid by the city, town, or county wherein said liquor was so seized.

S. 15. Whenever any officer authorized to commence a prosecution for a violation of the ninth section of this act, shall in any way receive notice that liquor has been seized upon a warrant issued pursuant to the twelfth section of this act, said officer shall immediately cause a prosecution for violation of said ninth section to be commenced before the justice or police magistrate who issued said warrant against the person named in said warrant as the owner, or keeper, or carrier of the liquor to be seized, unless such prosecution shall have been already commenced by some other proper officer.

S. 16. A complaint under the twelfth section of this act may be in form; substantially, as follows:

Form of
complaint

"To A. B., esq., a justice of the peace of the county of ———, or police magistrate of the city of ———, (as the case may be).

The complaint of the undersigned (resident in said ———, of full age,) sheweth that in a certain place in said ———, to wit: (here insert description of shop, house, or other place, describing the same as nearly as may be,) certain liquor, to wit: (here insert description of liquor, describing the same as nearly as may be) is owned or kept (as the same may be) by C. D. in the ———, in the county of ———, and is intended by said C. D., to be sold or given away in violation of the act of 1855, entitled 'An act for the suppression of intemperance, and to amend chapter thirty of the Revised Statutes,' and against the peace and dignity of the people of the State of Illinois. Wherefore, the complainants pray your honor to issue a warrant of search, that said place may be searched, and said liquor seized and disposed of according to law.

"Dated at ———, this day of ———.

"E. F.

"G. H.

"I. J."

The justice of the peace or police magistrate to whom such complaint is made, having administered the oath or affirmation required by section twelfth, may certify on such complaint the administration of said oath and his finding thereon, in the following form:

"——— county ——— ss. (Town or city Form
and date). Personally appeared E. F., of oath
G. H. and I. J., residents in said ———,
being of full age, and presented to me the
foregoing complaint, by them signed, and

made solemn oath (or affirmation, as the case may be) before me, that they have reason to believe, and do believe to be substantially true the allegations in said complaint. Whereupon, I find that probable cause exists for said complaint; and (in case a dwelling house, etc., is to be searched) the said ———, one of said complainants, having on his oath (or affirmation) before me declared that he has reason to believe, and does believe, that within one month next before the making of said complaint spiritous or intoxicating lliquor, or mixed liquor, a part of which is spiritous or intoxicating, has been sold in violation of the act of 1855, for the 'suppression of intemperance, and to amend chapter thirty of the Revised Statutes,' in said house, or in some dependency thereof, by the person accused, or by his consent or permission, upon the facts and circumstances disclosed by said ———. to me, I am of the opinion he has adequate cause for such belief.

"A. B., J. P., or Police Magistrate."

A warrant issued pursuant to section twelfth may be, in form, substantially as follows:

Form
of warrant

"The people of the State of Illinois to the sheriff of the county of ———, his deputy, or either constable of said county, or (if the warrant is to be executed in any city) to the sheriff, deputy sheriff, or constable of the county of ———, or marshal of the city of ———, greeting:

"Whereas, E. F., G. H. and I. J., residents in said ———, being of full age,

have, before me, made their written complaint, that in a certain place in said ———, to wit: in (here insert a description of shop, house, or other place, describing the same as nearly as may be) certain liquor, to wit: (here insert a description of the liquor as nearly as may be) is owned or kept (as the case may be) by C. D. of (name of county, city, town, or other place, naming it), and is intended by said C. D., to be sold or given away, in violation of the act of 1855, entitled 'An act for the suppression of intemperance, and to amend chapter thirty of the Revised Statutes,' and against the peace and dignity of the people of the State of Illinois.

"And whereas, said complainants have before me made solemn oath (or affirmation, as the case may be) that they have reason to believe, and do believe, to be substantially true, the allegations in said complaint; and whereas I do find that probable cause exists for said complaint, and (in case a dwelling house, etc., is to be searched), and the said ———. one of said complainants, having on his oath (or affirmation, as the case may be), before me declared that he has reason to believe, and does believe, that within one month next before the making of said complaint, spirituous or intoxicating liquors, or mixed liquors, part of which is spirituous or intoxicating, has been sold in violation of the act of 1855, for 'the suppression of intemperance, and to amend chapter thirty of the Revised Statutes,' in said house or some dependency thereof, by the person accused

in the complaint aforesaid, or by his consent (or permission), upon the facts and circumstances disclosed by said ———. I am of opinion that he has adequate cause for such belief; now, therefore, in the name and by the authority of the people of the State of Illinois, you are hereby commanded to search thoroughly, the said place, and to seize said liquor and the vessels containing it, and securely keep the same until final action be had thereon. Hereof fail not, but due return make.

“Dated at ———, this ——— day of ———.

“A. B., J. P., or Police Magistrate.”

The form of notice required by section thirteen may be substantially as follows:

Form
of notice

“To C. D. of ———, in the county of ———, and to all others whom it may concern—Greeting:

“Whereas, pursuant to the provisions of an act entitled ‘An act for the suppression of intemperance, and to amend chapter thirty of the Revised Statutes,’ upon due complaint, dated ———, and upon warrant duly issued upon said complaint, certain liquor, with the vessels containing it (describe the liquor and the vessels with reasonable certainty) was seized at (describe the place as nearly as may be) in the ———, of ———, on the ——— day of ———, A. D. 18—, by (name of officer) a (sheriff, deputy sheriff, or other officer, as the case may be) which said liquor and vessels were seized because it is alleged that said liquor was owned, or kept, or carried, by some person, with intent that

said liquor should be sold or given away contrary to the law. And whereas the said liquor, if so owned or kept, with such intent, is liable to forfeiture; now you, the said C. D., and all others whom it may concern, are hereby summoned to appear before me at (name of town, city, or other place,) on the ——— day of ———, at ——— o'clock, in ——— noon, then and there to show cause, if any you have, why said liquor and vessels should not be adjudged forfeited.

"Dated at ———, this ——— day of ———, A. D. 18—.

"A. B., J. P., or Police Magistrate."

S. 17. If any person shall be found in a state of intoxication in any highway, street, courthouse, or other public place, or shall be found in a state of intoxication in any place, committing any breach of the peace, or disturbing others by noise, any sheriff, deputy sheriff, constable, or (if within any city) said officer or any police officer of a city, city marshal, or other officer, may without warrant, and it is hereby made his duty to take such person into custody, and detain him in some proper place until, in the opinion of such officer, he shall be so far recovered from his intoxication as to be capable of properly testifying in a court of justice, and shall then bring him, if said person is willing, before some justice of the peace of the county, or if arrested within a city, police magistrate of a city; and if such person is willing to make full disclosures regarding the person or persons of whom, and

the time, place, and manner in which the liquor producing his intoxication was procured, and all the circumstances attending it, such justice or police magistrate shall administer to him the oath provided for witnesses, and he shall inquire of him in the presence of the officer, regarding the matter, and if upon such inquiry, it shall appear to such officer that any of the offenses specified in the eighth or ninth sections of this act have been committed within this State, such officer (who is hereby authorized so to do) shall in due form of law file his complaint to said justice or police magistrate against the person or persons upon such disclosure appearing to the officer to be guilty thereof, and shall, if the said person so taken intoxicated be willing thereto, detain said person until the trial of said complaint before said justice or police magistrate. And said justice or police magistrate shall issue his warrant for the immediate arrest of the person charged in said complaint, and he shall accordingly be arrested and brought before said justice or police magistrate (as the case may be) to answer to said complaint, and shall be tried thereon without unnecessary delay, and convicted or acquitted in due form of law; and it shall be the duty of said officer to prosecute such complaint, and of any State's attorney, or (if the offense is committed within the limits or jurisdiction of a city) the city attorney to assist him in such prosecution. And the person so arrested, when taken and brought before said justice of the peace or police

magistrate, shall be immediately put to plead to said complaint; and unless he plead guilty, the trial of said complaint shall be commenced, and, whether he plead guilty or not, the testimony of the person found intoxicated as aforesaid shall be taken, of which testimony the said justice or police magistrate shall make a true record; and if the person so complained against shall be found guilty, and shall appeal from the judgment of said justice or police magistrate, or (in the cases before a justice hereinbefore provided for in sections eight and nine) shall give bail for his appearance at the next term of the circuit court of the county wherein said judgment is rendered, or shall be committed in default of giving bail for his said appearance, said justice may, in his discretion, recognize with surety such witness for his appearance to testify in said case before the court to which said appeal may be taken, or to which said defendant shall be required to appear. And if upon such trial or trials the person so found intoxicated shall, in the opinion of the prosecuting officer, testify freely, fully, and fairly regarding the procurement or receipt of the liquor which produced his intoxication, the person or persons of whom, and on what terms it was obtained or received, and the time and place of such receipt, and all the circumstances regarding it, he shall be discharged, and no evidence which he shall have given, either before said justice or police magistrate in making such disclosures, or as a witness

Refuse to
testify

upon said trial or trials, shall be used against him in any trial or proceeding whatever; nor shall any prosecution be instituted or carried on against him for or on account of such intoxication. But if he shall refuse to be taken before said justice of the peace or police magistrate, as hereinabove provided, by the officer or officers having him in custody, or if, when brought before such justice of the peace or police magistrate, he shall refuse to make disclosures before said justice or police magistrate in the manner hereinbefore provided for, or shall refuse to testify freely and fully, as a witness on said trial or trials, then he shall be in due form prosecuted for his intoxication, and on conviction thereof be punished as provided in the twenty-sixth section of this act. The costs of the arrest and detention of the person so taken intoxicated shall, upon the order of the justice or police magistrate before whom such person is brought, be paid from the treasury of the town, city or county in which the arrest is made. This section shall not be so construed as to authorize the forcible detention of the person so taken intoxicated after he shall have recovered from his intoxication, until the trial of the person or persons against whom his disclosures shall be made before the justice or police magistrate; but if such person, upon recovering from his intoxication, shall not voluntarily consent to go, and go with the officer, and make the disclosures contemplated in this section, and shall not thereafter volun-

tarily remain in custody of such officer or some other proper person by said officer designated, until such trial, he shall be forthwith prosecuted for his intoxication under the twenty-sixth section of this act; and any officer who by this section is authorized to arrest such intoxicated persons, may make complaint against and prosecute such person for such intoxication.

S. 18. Every sheriff, deputy sheriff, and constable of any county, mayor, or city marshal, or other police officer of any city, or the president and trustees of any incorporated town, are hereby authorized, and it is hereby made their duty, within their respective counties or cities or towns, as the case may be, when any violation of any of the provisions of this act shall come to their or his knowledge, or on being informed of the same, and being furnished with reasonable proof of the fact, or having good reason to suspect that an offense has been committed against this act, to make the complaints, and to institute and carry on prosecutions against any person or persons violating the provisions of this act as hereinbefore provided; and any complaint herein provided for may be so made by any one of the said officers. If any such officer receiving salary or fees, knowing or being informed, and being furnished with reasonable proof of the fact, or having good reason to believe or suspect that any person or persons have, within their respective jurisdictions, been guilty of violating any of the provisions of this act, shall

Duty of
sheriffs,
constables,
marshals, &c.

Penalty for
violation

fail to make complaints and institute and carry on prosecutions against such person or persons so offending, as herein provided for, said officer or officers shall, upon conviction, be punished by fine not less than twenty-five and not exceeding one hundred dollars. And, moreover, upon conviction, if the same shall be had in the circuit court of the county wherein such officer shall hold his office, or of the circuit court of any other county to which the same may be removed by change of venue under the laws of this State, it shall be the duty of the court before whom such conviction shall be had, to declare the office of said officer vacant; and said officer shall thereafter be disqualified from holding the same office anywhere in the State of Illinois. For any violation of this section prosecutions may, upon the complaint of any resident of the county or (in case of violation hereof by a city marshal, mayor, or other police officer of any city) city wherein said officer shall hold his office, before any justice of the peace, or in case of a city officer, police magistrate, or by indictment in the circuit court of the county wherein said officer shall hold his office. Nothing in this section shall be construed to prevent any residents of a town, city, or county, as the case may be, from making complaints and instituting and carrying on prosecutions as in other sections of this act provided. Sheriffs, deputy sheriffs, and constables are authorized, and it is hereby expressly made their duty, to make said complaints

and institute and carry on prosecutions for violations of this act where the offenses may be committed within the limits of an incorporated city, or any other place in their county, anything in any law or charter to the contrary notwithstanding.

S. 19. All cases under this act which shall come by appeal, writ of error, or in any other manner before any higher court than a justice's court, shall in such higher court be conducted by the State's attorney, or (in case the offense be committed within the limits of any city) city attorney (as the case may be) in behalf of the prosecution, and shall take precedence in such court of all other criminal business, except those criminal cases in which the parties accused are actually under arrest awaiting trial; and the prosecuting officers shall not have authority to enter a *nolle prosequi*, except by the consent of the court, and where the purposes of justice manifestly require it.

Cases to be conducted by the State and the city attorneys

S. 21. Whenever default shall be had of any recognizance, or whenever a breach of the condition of any recognizance or bond given pursuant to this act shall have occurred, the proper officer shall forthwith commence suit upon said recognizance or bond, and pursue the same to final judgment as speedily as possible. Any judgment recovered in such suit shall be for the full amount of said recognizance or bond, with costs of suit; and no court or officer shall remit to the defendant or defendants any part of said judgment.

Suit on bond

Not
necessary
to set forth
the kind of
liquor in
complaint

S. 22. In any complaint or indictment under this act it shall not be necessary to set forth exactly the kind or quantity of liquor sold or manufactured, nor whether the accused was a principal or clerk, servant or agent, or the exact time of the sale or the manufacture thereof, but proof of the violation by the accused of any provision of this act, the substance of which violation is briefly set forth in said complaint or indictment, within the times mentioned in said complaint, shall be sufficient to convict such persons; and it shall not be requisite in any complaint or indictment for a second or subsequent offense to set forth the record of a former conviction, but it shall be sufficient briefly to allege in such complaint such former conviction. Nor shall it be necessary, in every case, to prove payment in order to prove a sale within the meaning of this act. This act shall in all courts be liberally construed for the detection and punishment of offenses; and any defects in any complaint or indictment or declaration, either of form or substance, may be amended by the court before which the same is pending, whether by original entry, appeal or otherwise.

Fees

S. 23. A justice of the peace, police magistrate, or clerk of the circuit court shall be entitled to receive for causing notices to be posted up and left pursuant to section 13, fifty cents for each notice; and for receiving a complaint and making certificate thereon, as required by sections 12 and 16, the justice of the peace or police magistrate shall be entitled to receive one

dollar; for issuing an order pursuant to section 14, fifty cents; where notice shall be published in a newspaper, the printer or publisher of such paper shall be entitled to receive such compensation as the court shall order; and the officer who shall make service of any warrant for the seizure of liquor shall be allowed for the same two dollars; for the removal and custody of said liquor, his reasonable expenses and one dollar; for the delivery of any such liquor under order of the court, his reasonable expenses and one dollar; and for posting and leaving the notices required by sections 13 and 33, one dollar. For all other services under this act, the said justice of the peace, police magistrate, clerks, or other officers shall be allowed to receive the same compensation as is now by law allowed for similar services. Nothing in this act or any law of this State shall prevent any of said officers from receiving any additional compensation which may be allowed to them by the ordinances of any incorporated town or city. Nor shall any interest which said officers may have in their fees or in such compensation render said officers incompetent to testify as witnesses in any trial or proceeding authorized by this act; nor shall any person be rendered incompetent to testify as a witness in any trial or proceeding authorized by this act by reason or on account of said person being an inhabitant of any town, city, or county wherein an offense may be committed, or such proceeding may be had.

Additional
compensation

Common
council to
prosecute for
breach of
bond

S. 24. The common council of any city, the president, and trustees of any incorporated town, or the board of supervisors, or the county court of any county, whenever complaint shall be made to them that a breach of the condition of the bond given by an agent appointed by them under this act has been committed, shall notify such agent of such complaint, and if upon hearing of the parties it shall appear that any such breach has been committed, they shall revoke said agent's appointment; and whenever such breach is in any way made known to the common council of any city, the president and trustees of any town, the board of supervisors or county court of any county, or any one of them, they or he, shall, at the expense and for the use of said city, town, or county, cause the bond to be put in suit.

Penalty for
violating the
provisions
of this act

S. 25. All payments or compensations for liquor hereafter sold in violation of this act, whether such compensation be in money, goods, land, labor, or anything else, shall be held to have been received in violation of law and against equity and good conscience, and to have been received upon a valid promise and agreement of the receiver in consideration of the receipt thereof to pay to the person furnishing such consideration on demand the amount of said money, or the just value of such goods, land, labor, or other thing. All sales, transfers, conveyances, mortgages, liens, attachments, pledges, and securities of every kind, which either in whole or in part shall have been made for

or on account of spiritous or intoxicating liquors sold in violation of this act, shall be utterly null and void against all persons in all cases, and no rights of any kind shall be acquired thereby; and no action of any kind shall be maintained in any court of this State for spiritous or intoxicating liquors, or mixed liquor, of which a part is spiritous or intoxicating, sold in any other State or country contrary to the law of said State or country, or with intent to enable any person to violate any provision of this act, nor shall any action be maintained for the recovery or possession of spiritous, or intoxicating, or mixed liquor, or the value thereof, except in cases where persons owning or possessing such liquor, with lawful intent, may have been illegally deprived of said liquor. Nothing in this section, however, shall affect in any way negotiable paper, in the hands of any *bona fide* holder thereof who may have given valuable consideration therefor, without notice of any illegality in its inception or transfer, or the holder of land or other property who may have taken the same in good faith without notice of any defect in the title of the person from whom it was taken; and all other sections of this act, and all evidence given under them, shall be construed in the same way as they would be if this section were omitted from this act, and have the same effect. In all actions at law or suits in equity brought for the recovery of spiritous, intoxicating, or mixed liquor, or the value thereof, or founded upon sales, transfers, conveyances,

Not to
extend to
negotiable
paper in the
hands of holder
bona fide

mortgages, liens, attachments, pledges, and securities of every kind, which either in whole or in part shall have been made for or on account of spiritous or intoxicating liquor sold in violation of this act, it shall not be necessary for the defendant or defendants to plead the same, or that said liquor was sold contrary to the provisions of this act, but the same may be given in evidence on the trial of such action or suit in equity; and whenever it shall appear in evidence or by the pleadings to any court before which such actions at law or suit in chancery shall be tried or pending, that the same is brought for the recovery of spiritous or intoxicating liquor, or mixed liquor sold contrary to the provisions of this act, or the value thereof (except in cases where persons owning or possessing such liquor with lawful intent, may have been illegally deprived of said liquor), or is founded upon any sale, transfer, conveyance, mortgage, lien, attachments, pledges, or securities of any kind, which either in whole or in part shall have been made for or on account of spiritous or intoxicating liquor sold in violation of this act, it shall be the duty of said court, whether the defendant or defendants interpose said defense or not, or whether the said defendant or defendants desire the same to be done or not, forthwith to dismiss the said action at law or suit in equity, at the cost of the plaintiff or plaintiffs or complainant or complainants, unless the said action at law or suit in equity shall be instituted for his own use

and benefit by the *bona fide* holder of negotiable paper, who may have given a valuable consideration therefor without notice of any illegality in its inception or transfer, or the holder of land or other property who may have taken the same in good faith, without notice of any defect in the title of the person from whom it was taken.

S. 26. If any person shall be found intoxicated in any highway, street, courthouse or other public place, or shall be found in a state of intoxication in any place committing any breach of the peace, or disturbing others by noise, he shall, on conviction thereof, pay a fine of twenty dollars to the city, town, or (if found intoxicated in any highway, street, courthouse or other public place, or shall be found in a state of intoxication in any place committing any breach of the peace, or disturbing others by noise without the limits of an incorporated city or town) county in which the offense is committed, together with the costs of prosecution, and stand committed until the fine and costs are paid. Every prosecution for a violation of this section shall be heard and determined by a justice of the peace of the county or (if within the limits of an incorporated city) by a police magistrate of the city where the offense was committed; but the person convicted upon said prosecution may appeal from said judgment to the circuit court of the county in which the offense is committed: *Provided*, that he shall forthwith give such bond (of recog-

Fine for
being found
intoxicated
in the public
places

Proviso

nizance) with surety as said justice or police magistrate shall order, conditioned for his appearance at the next term of the said circuit court to answer said complaint, and for abiding the judgment that may be rendered by the court thereon; and if in case of conviction of said offense before any police magistrate, or before the circuit court, the person so convicted shall fail to pay the fine and the costs of his prosecution, he shall be committed to jail, and shall not be released until he shall have been imprisoned for thirty days. And if any officer authorized to arrest with or without warrant any person so found intoxicated shall fail so to arrest any person whom he may see intoxicated, said officer shall forfeit and pay for every such offense twenty dollars, to be recovered by an action of debt before any justice of the peace of the county or police magistrate of any city within which said officer shall hold his office.

Compensation
to agents

S. 27. The common council of any city, the president and trustees of any incorporated town, the board of supervisors or the county court of any county, or a majority of either of said bodies, may appropriate out of the city, town, or county treasury such sums as in their judgment shall be necessary for the purchase of spirituous or intoxicating liquor by the agent or agents of said city, town, or county, to be by him or them sold under the provisions of this act. And no agent appointed under this act shall have power on behalf of any city, town, or county to

contract any debt for spiritous or intoxicating liquors which shall to any extent be binding on such city, town, or county. All fines and forfeitures collected under the provisions of this act, and all profits accounted for by agents to sell spiritous or intoxicating liquors shall be applied—first, to the payment of the compensation allowed said agent or agents, next to the payment of costs which may under the provisions of this act be incurred by said city, town, or county, and the remainder, if any, shall be put into the school fund of the city, town, or county, as the case may require, in which the offense may have been committed or the profits made. If any agent appointed under this act, shall sell any liquor at a greater profit than hereinbefore provided for, such agent shall be deemed guilty of an unlawful sale, and shall be prosecuted, and upon conviction be punished and dealt with in the same manner provided in case of illegal sales by other persons, and, moreover, shall *ipso facto* forfeit his appointment as agent, and shall not be thereafter qualified or allowed to act as agent for the sale of spiritous or intoxicating liquors under this act anywhere in this State.

Application
of fines and
forfeitures

S. 28. Whenever any violation of any of the provisions of this act shall be committed in any incorporated town or city, the prosecutions herein provided for may be instituted and carried on in the name of said city or town. In all cases under this act (except where the justice of the peace or police magistrate may be acting as a

Appeal
may be
taken

court of inquiry in accordance with the provisions of this act, and section 203, Chapter XXX, Revised Statutes) the party prosecuting or the defendant or defendants shall be entitled to a trial by jury, and in cases of trial by jury, where the punishment is by fine or imprisonment, either or both, the jury shall fix by their verdict the amount of the fine and the period of imprisonment, in accordance with the provisions of this act. Appeals may be taken in all cases from the judgment of justices of the peace or police magistrates (except where said justice or police magistrates may be sitting as a court of inquiry as aforesaid), provided the defendant or defendants shall forthwith give the bond or bonds hereinbefore required. And any city or town aforesaid may also appeal from any judgment of such police magistrate or justice of the peace in like cases, by filing with said justice or magistrate the bond of said city or town under the corporate seal thereof, if they have any, and if not, then said bond shall be signed by the president of the board of trustees of such town, or the mayor or other chief officer for the time being of any city. And in case said prosecution before said justice or police magistrate shall be in the name of the people of the State of Illinois, appeals may be allowed in the same way to the people as is now provided in cases of assault and battery. Any bond given on appeal from the judgment rendered by justices of the peace or police magistrate under the provisions of this act shall be

from the date thereof until the same is discharged a lien on all the property, real and personal, of principal and securities. And no principal or security on any appeal bond shall be released from his or their liability thereon by reason of any defect, formal or substantial, in said bond, or in the execution or approval thereof; but the said principal and securities shall in all courts be held liable in the same manner and to the same extent as if the said bond or bonds had been in all respects, written, taken, conditioned, executed and approved according to law.

S. 29. Nothing contained in this act shall be so construed as to prohibit the manufacture or keeping for sale of burning fluids of any kind, perfumery, essences, chemicals, dyes, paints, varnishes, cosmetics, solutions of medicinal drugs, medical compounds, or any other article which may be composed in part of alcoholic or other spiritous liquor, if not adapted to use as a beverage: *Provided*, however, that if such article is capable or being used, or intended to be used as a beverage or in evasion of this act, the manufacture or keeping for sale, or sale thereof, shall be deemed a violation of this act and punished accordingly.

Manufacture
not prohibited
for certain
purposes

S. 30. It shall be the duty of any mayor, alderman, city marshal, or deputy marshal, sheriff, deputy sheriff, or constable, if he shall have information that any intoxicating liquors are kept or sold in any tent, shanty, hut, wagon, or hand-carriage of any kind, or place of any kind other than

Duty
of mayor,
aldermen, etc.

a dwelling house, for selling refreshments in any public place on or near the grounds of any cattle show, agricultural exhibition, military muster, camp meeting, or any public occasion of any kind, to immediately make complaint thereof on oath, before some justice of the peace or police magistrate, who shall issue his warrant, commanding him to search the place or places named in said complaint; and such mayor, alderman, city marshal or deputy marshal, sheriff, deputy sheriff or constable, shall proceed to search such suspected places, and if said officer shall find upon the premises any intoxicating liquor, he shall seize said liquor and arrest the keeper or keepers of said place, or of said wagon or carriage, and take them forthwith, or as soon as may be, before some justice of the peace of the county, or (if within a city) police magistrate of a city, and thereupon such officer shall make a written complaint, under oath or affirmation, and subscribed by him, to such justice or police magistrate, who shall thereupon proceed to hear and determine said complaint and upon proof that such liquors are intoxicating, that they were found in the possession of the accused in a tent, shanty, or other place as aforesaid, other than a dwelling house, he or they shall be sentenced, upon conviction (if before a police magistrate), to imprisonment in the county jail for thirty days, or (if before a justice of the peace) to pay a fine of fifty dollars and costs of the proceedings; and said liquor so seized shall be forfeited and delivered over by

the officer or other person having the same in custody, upon the order of the justice or police magistrate, to the agent (or one of them), of the city, town, or county where such liquor shall have been seized, to be dealt with by said agent as other forfeited liquor.

S. 31. If any railroad conductor, freight agent, expressman, depot master, or other person in the employment of or in any manner connected with any railroad corporation, or any teamster, stage driver, or common carrier of any kind, or any person professing to act as agent for any other person or persons, whether within or without this State, or any other individual of whatever calling, shall knowingly bring within this State, for any other person, any intoxicating liquor, to be used or disposed of for any other purposes than those recognized lawful by this act, or shall knowingly procure for any other person or persons, or shall knowingly aid, assist, or abet, in any manner whatever, any other person or persons in procuring intoxicating liquor, except for the purposes contemplated by this act, such person or persons so offending shall forfeit and pay into the treasury of the county, town or city, as the case may be, a fine of one hundred dollars and costs of prosecution on the first conviction, and on the second and every subsequent conviction two hundred dollars and costs, and be imprisoned in the county jail not less than three nor more than six months. If any contractor, subcontractor, agent,

Railroad
conductors
and other
public agents
liable to
prosecution

engine driver, conductor, director, or other employee, engaged in the construction or operation of any railroad, canal, or other public work in this State, shall violate any of the provisions of this act, he or they shall be fined and imprisoned, or either, as the case may be, to double the extent of other persons so offending.

Penalty
for resisting
officers

S. 32. Any person against whom or whose premises a search warrant has been issued, or any other person who shall refuse to permit the search to be made, or otherwise use violence to prevent the same, or who shall resist any officer in the execution of any other process authorized by this act, or threaten to use violence to prevent the execution of the same, shall be deemed to have resisted the officer, and be made subject to the penalty inflicted by the Revised Statutes therefor.

Circuit court
to have
jurisdiction
in certain
cases

S. 33. Nothing in this act shall be so construed as to authorize any justice of the peace to try any person (except as a court of inquiry) for any offense against any provisions of this act where the punishment is by a fine above one hundred dollars or imprisonment, or to adjudge any liquor to be forfeited, as hereinbefore provided, where the value of said liquor shall exceed one hundred dollars; but in all cases where any person for any offense, the punishment whereof is imprisonment or fine exceeding one hundred dollars, shall be brought before any justice of the peace, or where in the trial of any cause under this act it shall appear that the offense for which the accused is upon his trial is

one for which the punishment, as prescribed hereby, is more than one hundred dollars or imprisonment, or both, said justice shall proceed in such case in manner provided in section 203, of Chapter XXX, of Revised Statutes; and if such fact shall appear as aforesaid upon the trial of the cause by a jury, said jury shall be discharged without rendering any verdict, and said justice of the peace shall admit said defendant or defendants to bail, or in default thereof, commit him or them to await trial the next term of the circuit court of the proper county, in same manner as provided by said section 203, of Chapter XXX, Revised Statutes. In all cases where it shall appear, from the officer's return of any search warrant issued under the provisions of this act by any justice of the peace, that the liquor seized is of greater value than one hundred dollars, or if during or upon the hearing or trial of said complaint, as provided in the 13th section of this act, it shall appear to said justice on the evidence, or (if the trial is by a jury) by the verdict of said jury, that said liquor is of greater value than one hundred dollars, then in either or both cases it shall be the duty of said justice of the peace not to render judgment but forthwith to make a record of all the proceedings before him (except the testimony of witnesses), and certify the same under his hand and seal, and file the same in the clerk's office of the circuit court of the proper county; and said clerk shall, upon receiving and filing said transcript, imme-

diately cause to be published in some newspaper in his county (and if there be no newspaper in said county, then shall cause to be posted upon the door of the court house), and also in either case to be left with or at the last usual place of abode of the person named in the said complaint as the owner or keeper of said liquor, if such person be a resident of this State, a notice, summoning such person, and all others whom it may concern, to appear before the said circuit court, at the next term thereof, and show cause, if any they have, why said liquor should not be forfeited with the vessels containing it. Said circuit court shall hear and determine said question or forfeiture of said liquors, and shall proceed in the same manner provided in the 13th and 14th sections hereof:

Proviso

Provided, if two weeks shall not intervene between the day of publishing and serving said notice as aforesaid and the first day of the next term of the said circuit court, said cause shall be continued until the next term of the said circuit court. The term "justice of the peace," as herein used, shall not be construed to include police magistrate.

Fine and imprisonment

S. 34. If any person, by himself, clerk, servant, or agent, shall sell, furnish, or give away any intoxicating liquor, which shall be impure or adulterated, he shall forfeit and pay into the treasury of the town, city, or (if the offense is committed without and beyond limits of any incorporated town or city) county, not exceeding one hundred dollars, and be imprisoned three

months in the jail: *Provided*, no authorized agent appointed hereunder shall be subject to the liabilities of this section, unless such agent shall persist in selling or furnishing such impure or adulterated liquor, knowing the same to be such; prosecutions under this section may be, if the offense is committed within the limits of an incorporated city, brought before a police magistrate of said city, or by indictment in the circuit court of the proper county, whether committed within a city or not; and if the offense be committed without the limits of a city, then the case may be brought before any justice of the peace of the county, in manner provided in section 203, of Chapter XXX, of the Revised Statutes.

S. 36. All laws and parts of laws inconsistent with this act shall be repealed when this act goes into operation; *Provided*, that all prosecutions which shall have been commenced at the time this act goes into operation shall be carried on to final judgment and execution as if this act had not have been passed: *Provided*, all laws authorizing the issuing or granting licenses to sell spiritous or intoxicating or mixed liquors shall be repealed from and after the date of the passage of this act.

S. 37. No officer or other person shall be liable to any action or prosecution, civil or criminal, in behalf of any person or the people, for the making, issuing, trying, or executing any complaint, warrant, or other process under this act, or for instituting, prosecuting, or trying any suit, prosecution, or other proceeding here-

Proviso

Inconsistent
acts repealedOfficers not
liable to
prosecution

Proviso

under: *Provided*, said officer or other person shall have acted in good faith.

Complaints
of married
women

S. 38. Any married woman who shall complain that liquor has been sold to her husband contrary to law, or any widow who shall complain that liquor has been sold to her son or sons contrary to law, may, in the stead of place of the two residents required by section twelve of this act, make the complaint mentioned in said section twelve, or any other section of this act, and may institute and carry on any prosecution provided by this act. Nothing in this act shall be construed to require that a search warrant should be issued or executed prior to a prosecution for a violation of any section of this act; but such prosecution or prosecutions may be instituted and carried on either with or without the issuing or executing of such warrant. All prosecutions for any violations of this act may be by indictment in the circuit court of the county where the offense may be committed, anything herein to the contrary notwithstanding; but a conviction before a justice of the peace or police magistrate shall be a bar to an indictment for the same offense, and *vice versa*.

When to
take effect

S. 39. The foregoing provisions of this act shall take effect on the first Monday of July next: *Provided*, if a majority of the ballots to be deposited as hereinafter provided shall be "against prohibition," then this act shall be of no force or effect whatever.

Election to
be held

S. 40. An election shall be held on the

first Monday of June next, at the usual places of holding elections according to the laws of this State in such case made and provided, at which election persons entitled to vote under the constitution and laws of this State may express their judgment and choice in regard to this act, by depositing in the ballot box their ballots, with the words "for prohibition" or "against prohibition." Notices of said election shall be given, and said election shall be conducted according to the laws of this State regulating general elections. Returns of said election shall be made and canvassed as is now provided by law in elections for representatives in Congress; and when the result of said election is so ascertained, the governor of the State shall issue his proclamation announcing said result. This section shall take effect from and after its passage.

S. 41. The secretary of state shall cause to be published in pamphlet form 50,000 copies of this law immediately after the adjournment of the Legislature, and shall forthwith send to each county clerk of the different counties five hundred copies thereof, to be distributed among the people; and it shall be the duty of the county clerks to cause said laws to be distributed throughout their counties respectively.

Duty of
secretary
of state

APPROVED February 12, 1855.

AUTHORITIES CONSULTED

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Reminiscences of Abraham Lincoln by Distinguished Men of His Time, by Allen Thorndike Rice. Published by the North American Review Co., New York.

Abraham Lincoln and the Men of War Times, by Colonel A. K. McClure. Published by the Times Publishing Company, Philadelphia.

Abraham Lincoln and the Men of His Time, by Robert H. Browne. Published by the Blakely-Oswald Company, Chicago.

Abraham Lincoln, by Charles Carleton Coffin. Published by Harper and Brothers, New York.

Abraham Lincoln; the True Story of a Great Life, by Herndon & Weik. Published by D. Appleton & Company, New York.

The Lincoln Legion, by Louis Albert Banks. Published by the Mershon Company, New York.

History of Illinois, by Davidson and Stuve.

Life of General John A. Rawlins, by General James Harrison Wilson.

History of the Secret Service, by General L. C. Baker. Anti-Saloon League Year Book, 1919.

Reminiscences of Neal Dow. Published by the Evening Express Company, Portland, Me.

The Diary of Gideon Welles, by Edgar T. Welles; and *Uncollected Letters of Abraham Lincoln*, by Gilbert A. Tracy. Published by Houghton Mifflin Company, Boston and New York.

The use of Lincoln's letter to N. B. Judd, and the quotation from the Welles diary are by permission of and special arrangement with Houghton Mifflin Company.

INDEX

- Adams, Rev. Thomas, quoted by Neal Dow, Chapter I
Arnold, Isaac N., signs Merwin petition, Chapter XIX
Baber, A. J., on Lincoln, Chapter XVI; letter to John
G. Woolley, Appendix "E"
Baker, General L. C., on Alcohol the Army Curse, Chap-
ter XXI; reports to President Lincoln and Secre-
tary Stanton on Drunkenness in Army, Chapter
XXI
Bates, David H., on Merwin Documents, following Pre-
face
Beecher, Henry Ward, advised Lincoln, Preface
Bellows, Rev. Henry W., advised Lincoln, Preface
Berry, William, Lincoln's business partner, Chapter VI
Black, Gov. Frank S., tribute to Lincoln, Chapter XXVIII
Blair, Gov. Austin, signs Merwin's petition, Chapter XIX
Blair, Henry, on Washingtonians, Chapter VII
Blakeslee, Rev. F. D., Merwin's letter to; Appendix "F"
Booth, John Wilkes, a drunkard, Chapter XXV
Browne, Robert H., author, Chapters III and IV
Browning, Senator O. H., signs Merwin petition, Chap-
ter XIX
Buckingham, Gov. W. A., signs Merwin petition, Chap-
ter XIX
Butler, Gen. Benjamin F., indorses Merwin, Chapter XIX
Chandler, Senator Zach., signs Merwin petition, Chap-
ter XIX
Chiniquy, Father, defended by Lincoln, Preface
Dana, Charles A., To New Haven Colony Historical So-
ciety, Preface
Davis, Judge David, on Lincoln's secretiveness, Chapter
XXVI
Davis, Dr. Nathan Smith, Appendix "G"
Dix, General John A., letter of indorsement of Merwin,
Chapter XIX

- Dixon, Senator James, signs Merwin petition, Chapter XIX
- Doolittle, Senator James R., signs Merwin petition, Chapter XIX
- Douglas, Stephen A., debate with Lincoln at Ottawa, Chapter VI; Douglas against prohibition, Chapter XVI
- Dow, General Neal, Chapter I
- Drummond, Judge Thomas H., signs Merwin petition, Chapter XIX
- Edwards, B. S., and Illinois prohibition law, Preface and Chapter XIV
- Enloe, Abraham, quarrel with Thomas Lincoln, Chapter II
- Evening Post* reference to Merwin, Chapter XXII
- Farmer, Rev. Aaron, published Lincoln's temperance essay, Chapter V
- Fessenden, Senator William P., urges passage of internal revenue act, Chapter XXIII
- Greeley, Horace, Lincoln's message to, through Merwin, Chapter XXIV
- Grimes, Senator James W., signs Merwin petition, Chapter XIX
- Gurley, Rev. Phineas D., advised Lincoln, Preface
- Hammond, Surgeon General W. A., Chapter XIX
- Hanks, Nancy, Chapter II
- Harlan, Senator James, signs Merwin petition, Chapter XIX
- Harris, Senator Ira G., opposes internal revenue act, Chapter XXIII
- Hays, Will H., Postmaster General, Foreword
- Head, Rev. Jesse, Chapter II
- Herndon, W. H., Lincoln's law partner, Chapter V; on Lincoln's secretiveness, Chapter XXVI
- Hicks, Gov. Thomas A., signs Merwin petition, Chapter XIX

Howe, Senator Timothy, signs Merwin petition, Chapter XIX

Illinois Prohibition Law of 1855, Appendix "K"

Jaquess, Col. J. F., commissioned by Lincoln, Preface

Judd, N. B., Lincoln's letter to, on crooked voting, Chapter XXVII

Kirkwood, Gov. Samuel, signs Merwin petition, Chapter XIX

Lincoln, Abraham. Home training, Chapter III; prowess as athlete, Chapter IV; first temperance lecture, Chapter IV; essay on temperance at seventeen, Chapter V; denies being a grocery keeper, Chapter VI; admits he worked in still-house, Chapter VI; tells Swett he never tasted liquor, Chapter VI; joined Washingtonians, Chapter VII; address to Washingtonians, 1842, Chapter VIII; prophecy about end of slavery and drunkenness, Chapter VIII; Lincoln and pledge-signing, Chapter XI; Lincoln and Breckinridge boy, Chapter XI; Lincoln indorses his pastor's strict temperance views, Chapter XII; Lincoln and Illinois prohibition campaign, Chapter XIII; wrote prohibition law, Chapter XIV; letter to N. B. Judd on crooked elections, Chapter XV; defeated by Trumbull for Senator, February 8, 1855, Chapter XV; cold water only at Lincoln's notification, 1860, Chapter XVII; Lincoln and Merwin, Chapter XIX; writes pass for Merwin, Chapter XIX; Lincoln, and Grant's liquor drinking, Chapter XX; distress over Hooker's defeat at Chancellorsville, Chapter XXI; Lincoln's last utterance on temperance, Chapter XXIV; Lincoln's assassins a drinking set, Chapter XXV; Lincoln's secretiveness, Chapter XXVI; Lincoln and Panama Canal, Appendix "I"

Lincoln, Robert T., letter on Merwin, Appendix "H"

Lincoln, Thomas, father of Abraham, Chapter II

- Leland, Charles G., on Nancy Hanks and social conditions, Chapter III
- Lloyd George referred to by Postmaster General Hays in Introduction
- Locke, D. R., quoted by Gen. Neal Dow, Chapter I
- Logan, Judge Stephen T., helps draft prohibition law, Chapter XIV
- McClure, Colonel A. K., on Lincoln, Preface; Merwin's message from Lincoln to, Chapter XXIV
- McDougall, General C., on Merwin, Chapter XIX; letter to Senator Harlan about Merwin, Appendix "B"
- Maine Law Riots in Chicago, Appendix "C"
- Maine Prohibition Law of 1851, Appendix "J"
- Mathew, Father Theobald, temperance reformer, visits New York 1849, Chapter IX
- Merwin, Rev. J. B., equipped by Lincoln, Preface; Merwin's prohibition watch, inscription by Lincoln, Chapter XVIII; statement about Lincoln and himself to Charles T. White, Appendix "D"
- Mills, Lyman A., owner of Merwin prohibition watch, Chapter XVIII
- Mudd, Dr. Samuel A., Chapter XXV
- Ogden, W. B., financed Lincoln 1855, Preface and Chapter XIV
- Palmer, Professor A. B., signs Merwin petition, Chapter XIX
- Pitcher, John, friend of Lincoln in Rockport, Ind., Chapter V
- Pomeroy, Senator, opposes internal revenue act, Chapter XXIII
- Prohibition Battle in Illinois in 1855, Appendix "C"
- Ramsey, Governor Alexander, signs Merwin petition, Chapter XIX
- Randall, Governor Alexander W., signs Merwin petition, Chapter XIX
- Rankin, Henry B., statement of authorship of prohibition law, Chapter XIV

- Rawlins, General John A., reproves General Grant, Chapter XX
- Roosevelt, President Theodore, on Lincoln's picture, Chapter XXVIII
- Russell, Howard H., affidavits obtained by, Chapter XI
- Scott, General Winfield F., indorses Merwin, Chapter XIX
- Scripps, J. L., signs Merwin petition, Chapter XIX
- Seward, Secretary W. H., and Panama Canal, Appendix "I"
- Simpson, Bishop Matthew, advised Lincoln, Preface
- Smith, Rev. James, advised Lincoln; preached temperance, Preface
- Sons of Temperance, Chapter X
- Sumner, Charles, indorses Merwin, Chapter XIX
- Surratt, Mrs. Mary E., Chapter XXV
- Swett, Leonard, on Lincoln's total abstinence, Preface; on Lincoln's secretiveness, Chapter XXVI
- Tracy, Gilbert A., book on Lincoln "Uncollected Letters," Chapter XXVI
- Trumbull, Senator Lyman A., Chapter XIX; signs Merwin petition, Chapter XIX
- Washingtonian Movement, Chapter VII
- Watson, Rev. J. V., editor *Christian Advocate*, Chapter XVIII
- Welles, Secretary Gideon, on Gen. Hooker's drinking, Chapter XXI
- Wilmot, David, signs Merwin petition, Chapter XIX; opposes revenue act, Chapter XXIII
- Wilson, Senator Henry, signs Merwin petition, Chapter XIX; opposes revenue act, Chapter XXIII
- Wilson, Bishop Luther B., Dedication
- Woolley, John G., letter from A. J. Baber about Lincoln's temperance speech in 1855, Appendix "E"
- Wright, Senator, opposes internal revenue act, Chapter XXIII
- Yates, Gov. Richard, signs Merwin petition, Chapter XIX

